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ABSTRACT

Teacher-developed law-related education lessons that can be integrated into secondary school world history and U.S. history courses are provided. The first of two major sections contains law lessons for world history. Lessons are varied and deal with topics such as sources of the law, laws in early civilizations (Rome, Greece, and Egypt), the Code of Hammurabi, the caste system, religion and the law in the early Middle Ages, the Magna Carta, and the powers of a king as compared to those of a U.S. president. The second section contains law lessons for U.S. history. Lessons deal with a variety of topics, including rules among Native Americans, laws in colonial America, religious toleration and freedom, Shays' Rebellion, the power of the Supreme Court, legal compromises concerning slavery, wagon train law and order, civil rights, and juvenile law. Objectives and teaching procedures are provided for each lesson. In some lessons, student handouts and discussion questions are provided. Activities include case studies, role play, classroom discussions, and guest speakers. (RM)

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JUSTICE: Law and Responsibility

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SP 016 312

A Case Study Approach to Law Awareness

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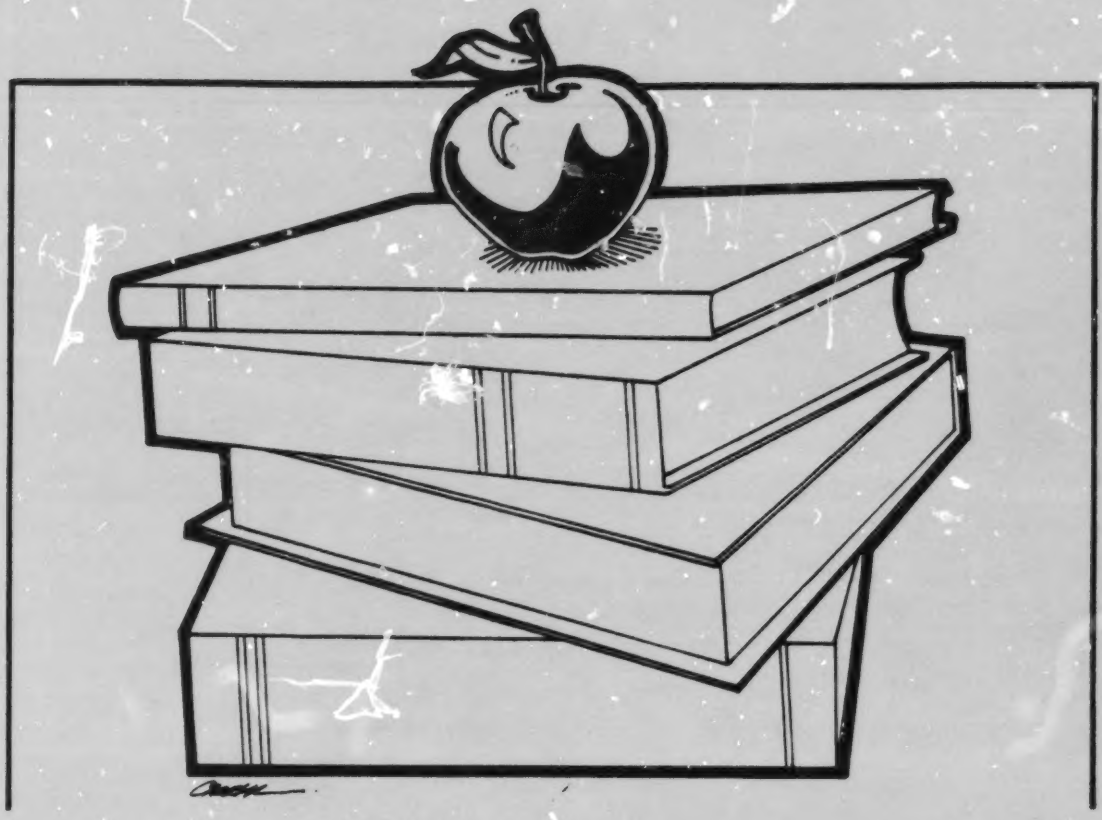
To the Users of this Guide.

The writing team for this Law Awareness Curricula Guide worked under the auspices of Mr. James Elliot, Seminole County Coordinator for the Social Studies, and with the assistance of Dr. Rodney Allen, Florida State University. These activities were compiled after several hours of inservice which included visits to two correctional facilities and presentations to the groups from representatives of HRS, law enforcement, the courts, and the legal profession.

The aim of this guide is not to present a block of curriculum to the teacher, but rather to present suggested activities which can be used as-is or used as guidelines for other teacher-made projects. These activities may be infused into the curriculum at various points throughout the course of the school year, as the teacher sees fit.

The writing team suggests the following precepts to be used as guidelines for all law related education.

1. Rules and laws are essential and play an important role in our lives.
2. Rules and laws have certain characteristics in common.
3. Rules and laws frequently evolve from customs and practices.
4. There is a relationship between the values of a society and the laws of that society.
5. Different people in different settings create rules and laws for different reasons.
6. Different people in different settings create rules and laws in different ways.
7. Rules and laws are used to judge behavior and to settle disputes.
8. The purpose of law is to meet the needs of the community.
9. Rules and laws are both stable and changing; individuals can cause change.
10. Rules and laws protect an individual's rights, privacy and property.



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THE FLORIDA STATUTE ON LAW EDUCATION. . . . . .

233.0615 Law education program.-

(1) There is hereby created a law education program, which program shall be administered by the Commissioner of Education in cooperation with The Florida Bar and other appropriate organizations and agencies pursuant to rules adopted by the State Board of Education. Such program may be implemented and conducted in any public school pursuant to a proposal developed and approved pursuant to subsection (2).

(2) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory committees, school advisory committees, and those agencies and organizations which are concerned with law education or with criminal and juvenile justice systems of the state and shall include:

(a) Provisions for instruction in the rights and duties of citizens under the law and under the State and Federal Constitutions, with particular emphasis on the consequences to the individual and society of disobedience of the law;

(b) Provisions for inservice training programs in law education for teachers, administrators, and other personnel;

(c) Provisions for enlisting the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program;

(d) Information concerning the number of teachers and students to be involved, the estimated cost of the project and the number of years for which it is to be funded;

(e) Provisions for evaluation of the program, and for its integration into the general curricula and financial program of the school district at the end of the funded term of years; and

(f) Such other information and provisions as shall be required by the commissioner.

(3) For those programs approved, the commissioner shall authorize distribution of funds from funds available to the Department of Education for law education programs.

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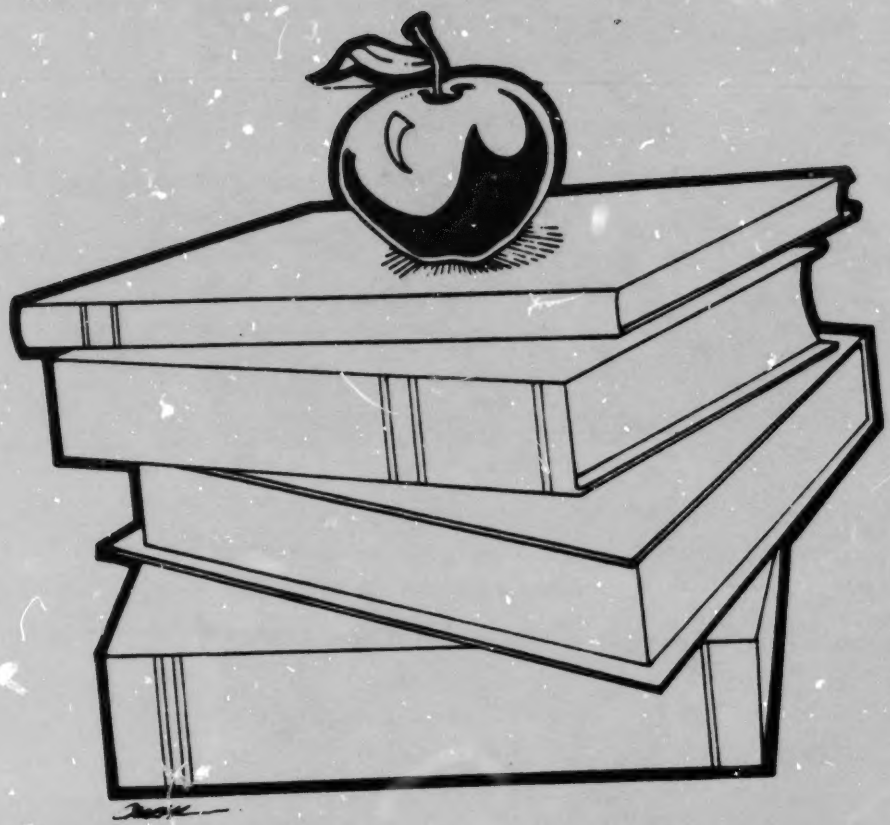


LAW LESSONS FOR WORLD HISTORY.....

SOURCES OF LAW

OBJECTIVE:

Students will learn the concept of anarchy and see the probable consequences of a "system" without rules or laws.

PROCEDURE:

1. Write the word "anarchy" on the board. Ask the students if anyone knows what the word means. Write the definition. (Anarchy - behavior without rules or a system of government)
2. Ask the students to pretend that they live in a place where there are no rules. Lead a discussion covering the following points:
   a. How would your family get along without rules?
   b. Would some system of protection be necessary?
   c. What does "Might makes right" mean? Do you think this is fair?
   d. How do you think an anarchy would work in your hometown?
   e. Do you know of any times where there existed a state of anarchy?
   f. Pretend that you are each of the following. How did these people deal with the following situations?
      1. Early caveman - gathering food
      2. Frontier settler - herding cattle
   g. Would you like to live in an anarchy? Why or why not?
   h. Use the activity sheet -- RULES TO FOLLOW. Have a discussion using this as a springboard. Use the questions on the right hand column to guide your discussion. This deals with the opposite of anarchy --rules which are tightly structured with little human freedom.

BEST COPY AVAILABLE

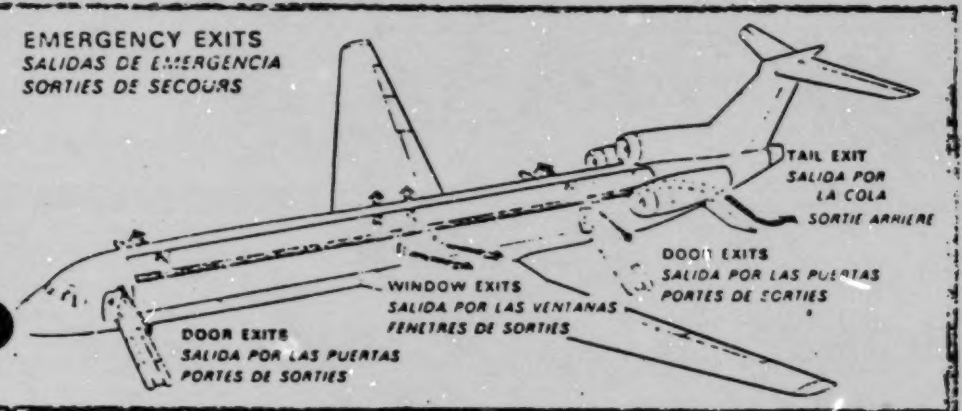
NAME_____ DATE_____

B 727 200 SERIES

There is little likelihood we will encounter a situation requiring emergency preparations but it is a good practice to be acquainted with the safety features we have provided for you on this airplane.

Hay pocas probabilidades de que nos encontremos en una situación que requiera preparativos de emergencia. No obstante, queremos familiarizarlo con los dispositivos de seguridad que, para su protección, hemos instalado en este avión.

Il est peu probable qu'il se présente une situation nécessitant des mesures d'urgence, mais il est bon de prendre connaissance des moyens de sécurité que nous avons prévus pour vous à bord.



PLEASE SEE REVERSE SIDE

POR FAVOR VEA EL REVERSO
PRIERE DE VOIR AU VERSO

RULES TO FOLLOW

1. What is the purpose of this card, found on airplanes?
2. What rules are given for passengers to follow?
3. Do the rules make sense to you? Why?
4. What is the general goal of these rules?

— + —

5. Do you have rules in your school? What are they? What is their purpose?
6. What would happen if everyone ignored those school rules? If only some people did? If everyone obeyed the school rules?

— + —

8. How do the rules in the airplane, in your home, in your school, and in society keep behavi orderly? What might happen without those rules?

— + —

9. Why do you think that early human beings needed rules? What rules do you think that they had?

EARLY HUMANKIND AND LAWS

OBJECTIVES:

1. The student will state the reasons for the need for laws or rules in the most primitive cultures.
2. The student will state the relationship between the complexity of a culture and its types of laws and in punishments which it imposes on law breakers.

PROCEDURE:

Have students do the activity on the handout LAW AND EARLY HUMANKIND. Discuss the students answers to the questions. The teacher may choose to let students answer the questions by working in groups or working individually. Let students write out their answers accordingly with a 20-25 minute time limit. The teacher should then guide a class discussion, being certain to develop the following concepts in connection with the questions if the students do not mention them in the discussion:

1. Answers should include mutual protection, common purpose, etc.
2. Some possible answers may be that it is against the rules or law to kill, steal, or physically assault; also it may be required that those who are old enough and physically able must take part in food gathering, preparation, etc. Also superstitions may play a great part in rules and laws.
3. Answers will vary, but generally the need for protection and safety of both life and possessions should be mentioned.
4. Answers should include word of mouth and teaching by example, as well as some possible recorded means of pictures, etc.
5. Answers should note that generally, in a primitive culture only a few basic laws exist and that adults are almost always familiar with them.
6. Answers will vary, such as the chief or leader, a council of elders, or all adult males, etc.
7. Punishments will vary according to the seriousness and severity of crime. It should be mentioned that because of the culture's nomadic life, imprisonment might be impractical, thereby giving rise to other possibilities, such as exile, banishment, or death.
8. Factors under consideration should include similarities of cultures as expressed in concepts of justice, laws, etc.

9. Answers should include modification of rules or laws to meet needs of a larger group; possibly more structured and formalized lines of authority, etc.

10. a. Answers should point out by examples that as population increases, rules and laws will become more complex to accommodate varying degrees of complexity in the culture's economic, political, communicative and spiritual activities.

    b. Answers should point out that as a settlement becomes permanent, rules and laws will become more complex and structured, including possible written laws, basic tax structure, means of imprisonment, greater restrictions on absolute freedoms in order to insure necessary safety and equality for all, etc.

NAME _____ DATE _____

LAWS AND EARLY HUMANKIND

You and your family of four are part of an early primitive clan made up of six other families. The basic lifestyle of your clan is nomadic, in which you wander about in search of edible plants and animals, and to and from areas of varying climate according to the seasons. Answer the following questions on your paper:

1. Why have you and your family remained with the other families?
2. What basic rules or laws may have been established by your clan?
3. List the basic reason for each of the above rules or laws.
4. In what ways have the rules or laws been taught to the younger children?
5. How does an adult member of the clan know if he has broken a law or not?
6. Who decided what the punishment for law breaking should be?
7. What specific punishments might be given for the violation of each rule or law which you listed in number 2?
8. Suppose that your clan is considering uniting with and traveling with 2 or 3 other clans of similar size. What factors will you consider in deciding whether to unite or not?
9. How will the decision to unite affect the laws or rules that have already been developed by each clan?
10. Assume that the population of your new clan increases and you begin to stay longer in different places and eventually settle in one permanent site. What specifically will happen to your rules and laws as:
    a. population increases?
    b. your settlement stays permanently in one place?

HAMMURABI'S CODE

OBJECTIVES:

After reading play and discussing specific provisions from it, students should be able to:

1. State why it is important for a society to have a set of laws to live by.
2. Compare the Babylonian Code with our own system of justice.

PROCEDURE:

Have students read out/act out dialogue in class. Once done, discuss fairness/unfairness of judges decision. Would they have handed down same verdict? Should laws be carried out exactly as they are written? Are written laws better than an individual deciding each case as he pleases?

Location: City on Euphrates River
Time: Around 1700 B.C.
Scene: Courthouse. There are three judges with a clerk to record proceedings

CHIEF JUDGE: What's the first case?
CLERK: The merchant Dagar, my lord.
CHIEF JUDGE: What's your complaint?
DAGAR: My lord, I carry goods up and down the river by boat. My dock is near the temple. Ten days ago, one of my boats arrived at the dock. It had a load of Timber from Ur.
SECOND JUDGE: A load of timber...for what?
DAGAR: For building, my lord.
CHIEF JUDGE: Go on.
DAGAR: Well, as my slaves were unloading the boat, I saw another boat coming down the river. It was out of control and crashed into my boat, causing it to tip over. All my timber floated away, lost forever.
CHIEF JUDGE: And you blame the owner of the other boat?
DAGAR: Yes, I do. I have read the Code of Hammurabi and there is a law about a case like this. It says the owner of the other boat must pay the loss.
CHIEF JUDGE: True. But the Code is meant to guide us. We must not follow it blindly. Is the owner of the other boat here?
RABSA: Yes, my lord. I am Rabsa. But it wasn't my fault.
CHIEF JUDGE: Calm down, Rabsa. Tell us your story.
RABSA: My lord, I was taking barley to Babylon. The boat had just started when I saw water coming in. There was a leak in the boat.
CHIEF JUDGE: You were unlucky, but it was still your fault. You should have looked where you were going.
RABSA: The boat was not well built. I, too, have read the Code of Hammurabi. The builder must guarantee the boat for a year. If it breaks down, he must pay.
CHIEF JUDGE: So the leak was the boat builder's fault?

RABSA: Yes, my lord as I bought it only 2 moons ago.
CHIEF JUDGE: Is the boat builder here?
LUSTAR: My name is Lustar, my lord. I built the boat for the merchant Rabsa but I built it well. If there was a leak, he must have run it on the rocks.
CHIEF JUDGE: First of all, one thing is clear. The merchant Dagar will receive damages. He will be paid for his timber. The question is, who is to pay? Rabsa or Lustar?
LUSTAR: My lord, is this right? There is nothing in the Code about a boat builder paying someone who didn't buy his boat.
CHIEF JUDGE: No, but the idea behind the law is clear. If the leak was your fault, you will pay.
LUSTAR: It was not my fault.
RABSA: It was not my fault.
CHIEF JUDGE: Then you must both take an oath in the temple. Will you both swear by the gods that you are innocent?
LUSTAR: Yes, my lord I am willing to take an oath.
CHIEF JUDGE: And you Rabsa?
RABSA: Well, my lord, I.....er.....I did run the boat on some rocks once. I don't think it made the leak, but I can't take an oath on it.
(The chief judge looks at the other judges and they nod.)

CHIEF JUDGE: Very well Rabsa, you will pay the damages to Dagar.

Ask questions from the beginning - then cite some of the following examples of Hammurabi's Code:

- If a son strikes his father, his hand shall be cut off.
- If a man destroys the eye of another man, the first man's eye shall be destroyed.
- If a man steals from the king or temple, he shall be put to death. If a man receives stolen goods, he too shall die.

Do these provisions seem just?

Would you want to live under this system?

How are our laws today like Hammurabi's laws? How are they different?

What penalties are incorporated in our system today versus in Hammurabi's time?

Which time do you think has fewer law violations?

OBJECTIVES:

1. The student will realize the need for recorded laws.
2. The student will list 4 of Hammurabi's laws.
3. The student will state the reasons for the recording of laws.

PROCEDURE:

1. Read a brief description of Hammurabi's code of laws to the class and then distribute the hand-out, Babylonia: The Code Of Hammurabi.
2. Have an attorney visit the class and describe the punishment today for the same crimes given in Hammurabi's Code of Laws.

HAMMURABI'S CODE

The Code of Hammurabi is the oldest known code of written laws, dated back to around 1800 B.C. The ancient Babylonians believed that the laws had been handed down to their king by the Sun god. Some of the 282 laws of Hammurabi code are listed below.

1. If a man charges another with a capital crime, but cannot prove it, he, the accuser, shall be put to death.

11. If a man who claims to be the owner of lost property does not produce witnesses to identify his lost property, he has lied and he has stirred up conflict; he shall therefore be put to death.

195. If a son strikes his father, they shall cut off his fingers.

205. If a slave strikes his superior, they shall cut off his ear.

Lead discussion concerning the necessity for laws to be written and the fairness of the punishment administered under this Code of Laws.

NAME _____ DATE _____

BABYLONIA: THE CODE OF HAMMURABI

One of the first attempts to write down all of the laws in a region happened in the Fertile Crescent. The land was Babylonia, and the ruler who had the laws written down was Hammurabi.

About 1,800 B.C. Hammurabi ruled over all of the Fertile Crescent. He was concerned that his people would know the laws, so that they could obey them. He also wanted a set of laws, so the strong would not oppress the weak. Thus, Hammurabi had his scribes (writers) write down the laws. Tablets with the laws written on them were placed around Hammurabi's lands. People who could read, could them read and know the law. Some of these laws are printed below:

"If a man tells a lie against another man in court, he shall be put to death."

"If a man steals from the king or the temple, he shall be put to death. If a man receives stolen goods, he too shall die."

"If a woman refuses her husband's wishes, the city council will investigate. If she was not at fault, she may take her money (Dowry) and return to her father's home. If she was a trouble-maker, she shall be thrown into the water."

"If a son shall strike his father, his hand shall be "cut off."

"If a man has destroyed the eye of an aristocrat, he shall loose his eye. If he destroyed the eye of a slave, he shall pay one-half of the slave's value."

"If a builder builds a weak house and it caves in, that builder shall be put to death, if it caused the death of the owner."

"If it caused the death of the owner's son, the builder's son shall be put to death."

Questions for Reflection:

1. What does it mean to say: "An eye for an eye, a tooth for a tooth?" Did Hammurabi's laws follow this idea?
2. Have you ever heard anyone talk about what should be done to law breakers--in ways that sound like Hammurabi?
3. How are our laws today like Hammurabi's laws? How are they different?
4. Why do you think that our laws are so different? (You might discuss the laws of Hammurabi with your parents or other adults)

ANCIENT EGYPT: THE BOOK OF THE DEAD

OBJECTIVES:

1. Students will realize that any society's laws reflect what it considers vital for its survival.
2. Students will realize that any society puts its fundamental values into its laws--that is, if you want to know what a society is all about, you need first to look at its law books to see the culture, economic order and values reflected. Law books are cultural mirrors!

PROCEDURES:

1. As students study Egypt in their textbooks, ask them to complete the activity on the attached handout -- ANCIENT EGYPT: THE BOOK OF THE DEAD.
2. Discuss the answers they have to the questions on the handout. Keep the above objectives in mind as you conduct this discussion.
3. After they have the Egypt situation in hand, ask them to draw contrasts and comparisons with our laws in Florida (and the United States) as they know them from TV and newspapers.
4. Have each class of students pretend as though all laws had been repealed and they were to write a new legal code for their community. The teacher should play "devils advocate" and point out the flaws when laws are suggested which are unrealistic, too simplistic, or over generalized.

NAME _____ DATE _____

EGYPT: THE BOOK OF THE DEAD

The ancient Egyptians often buried poems, prayers, and songs with the dead. These were written on papyrus (paper), and often had nice drawings. The prayers, songs, and poems were written to the gods. They asked the gods to look out for the dead people in the Great Western Land of the gods.

Many of these old poems, songs, and prayers were collected in a book which has become known as the Egyptian Book of the Dead. About 1,500 B.C. the following praise was written to the gods and buried with a dead Egyptian:

> "O Great God, I have come to you. I know the 42 gods who live with you. I have come to look at your Beauty. I have lived according to Your Truth!"
>
> "I have not sinned against other men."
>
> "I have not mistreated my family or stolen the property of the little man."
>
> "I have not permitted murder."
>
> "I have not made light the bushel."
>
> "I have not taken from the fields of others, nor snatched away milk from the mouths of children."
>
> "I have not stopped water where it should run, or made a cut in a canal of running water."
>
> "I have not secretly listened to my neighbors' talk, or spoken unloyally about our king."

QUESTIONS FOR REFLECTION:

1. What does this prayer tell you about the rules which the Gods wanted Egyptians to follow?
2. How are many of these rules like our laws?
3. Why would the Gods in ancient Egypt have rules about canals and running water? About loyalty to the king? About "making light the bushel"?
4. Why do religions have rules for believers to follow? (Talk to your parents and other adults about how religious rules have helped make our lives in the United States)

ANCIENT GREECE

OBJECTIVES:

1. The students will state the requirements of citizenship in Ancient Athens.
2. The students will state the differences between citizenship requirements of today with those of Ancient Athens.
3. The students will demonstrate the major responsibilities of citizenship in Ancient Athens.

PROCEDURE:

1. The teacher will make small cards with the word citizen, metic or slave written on each card. Then have students randomly pick a card. After each child in the class has a card, explain the roles of each in Ancient Athens or have students research their own role in the library.
2. Present the following problem to the class: One third of the population of Ancient Athens was made up of slaves. These slaves were not allowed to be citizens since they were not born in Athens. Many were highly educated and wealthy foreigners who wanted more say in the making of laws. How should this problem be handled?
3. Teachers allowed the slaves and metics time to speak their case to the citizens. Then allow citizens time to propose new laws governing slaves. Each citizen must have a proposal.
4. The teacher should direct students to the handout: PLATO: WHO SHOULD MAKE THE LAWS? This deals with the conflict between democracy as a form of government and an enlightened monarchy. Who has the political wisdom to govern best? Ask students to think about the questions--and conduct a class discussion. Stress the link between then and now--Seminole County, Florida.
5. Research and report on the
   a. Trial and death of Socrates.
   b. Jury trial system of Ancient Athens.
   c. A comparison of government in Ancient Athens and Sparta.

NAME _____ DATE _____

PLATO: WHO SHOULD MAKE THE LAWS?

Plato was a thinker, or philosopher, in ancient Greece who loved to teach with fables or stories. Two of his stories are written below.

1. Once upon a time there were only gods, and no human beings. But the gods decided to make human beings out of earth and fire. The god Prometheus was told to fashion human beings and to prepare them for life on Earth. To some he gave strength, to others he gave speed. He armed some and left others unarmed.

   When Prometheus made all the animals on Earth, he gave out all that he had. He forgot and left human beings naked and shoeless. So he stole fire and the arts of making a living from other gods and gave them to human beings! Thus, human beings entered life on Earth with ways to make a living, but without political wisdom. The god Zeus controlled all political wisdom.

   Human beings gathered into cities for protection. But they were evil toward one another. Zeus feared that they would kill one another off--the whole race. So he sent a god to bring them love and compassion, a sense of fairness and friendship. These values were given to all, not just to a few men.

2. In another story, Plato tells about a perfect society where the rulers are philosophers. These men are so wise that life goes well for all. He argues that all the people cannot be wise enough to rule. But a few brilliant men can be educated as philosophers.

QUESTIONS FOR REFLECTION:

1. Today, how do we give political wisdom to all members of our society? Do we all share the values of love, compassion, friendship, and fairness?
2. Today, should a few well-educated persons make our laws and rule over us? Do we all have the time and education to help make laws and rule our society?
3. What stories would you tell to teach people about a perfect society in Seminole County, Florida? What would your perfect society look like?

SOCRATES

OBJECTIVES:

1. Describe the "Socratic method"
2. Analyze Socrates' death in terms of a conflict between individual rights and the needs of society.

PROCEDURE:

Give background information about Socrates so students can get a feel for the man. Have students role play the trial of Socrates. Several students will be the jury, who state why Socrates is on trial. One student will play Socrates, who can give his defense. The jury will argue about the verdict and finally announce the guilty verdict. The student playing Socrates can deliver the actual speech Socrates gave the jury.

Background information:

During its Golden Age, Athens had many great writers, artists and wise men. The wisest of all was a short, fat man named Socrates. He was known by all. He could always be found in the streets, marketplace or gym and he was always talking. Mostly he liked to ask questions, lots of questions. What, he asked, was the meaning of truth? Goodness? Of right or wrong? Justice? Courage? Beauty?

His questions often made men angry because he wanted men to think for themselves. He wanted people to look for the truth and not accept what other people said was true.

Socrates asked many questions but never gave answers. He felt the wisest men were those who admitted they knew little.

Because his questions disturbed people, many believed he was a dangerous trouble maker. Because of him, they said, men were not loyal to the city or the gods. Therefore Socrates was put on trial for "not worshipping the gods and for corrupting the young men of the city."

NAME_____ DATE_____

SOCRATES' FINAL SPEECH TO THE JURY:

"Judges, be of good cheer about death, and know this to be true. No evil can happen to a good man, either in life or after death...I see clearly that to die and be released is better for me...thus I am not angry with my accusers...

Still, I have a favor to ask. When my sons are grown up, I would ask you, friends, to punish them; and I would have you trouble them, as I have troubled you, if they seem to care about riches...more than they care about goodness; or if they pretend to be something when they are really nothing... And if you do this, I and my sons will have received justice at your hands.

The hour of leaving has come, and we go our ways - I to die, and you to live. Which is better God only knows."

QUESTIONS FOR REFLECTION:

1. What is the "Socratic method?"
2. What was Socrates' attitude toward dying?
3. Was he afraid? angry?
4. What favor did Socrates ask of his jury?
5. Why do you think he did so?
6. Socrates' punishment for being found guilty was death by poisoning. Do you think this was harsh?
7. Could Socrates have saved himself?
8. Was Socrates' death necessary? Why?

OBJECTIVES:

1. The student will understand why a society's laws must be responsive to its needs.
2. The student will explain the need for updating the laws in a changing society.
3. The student will describe what might happen to a society which does not update its laws to meet the needs of all the people.

PROCEDURE:

Read students the following imaginary situation:

The upper class of people in this country control the powers of law-making. These people are wealthy land owners and live in luxury, and are opposed to any changes in the countries laws. Farmers are unhappy because of the low prices of their crops and want new laws to help them. Soldiers just returning from a war cannot find jobs and also want help in new laws. The merchants and traders are finding it difficult to make a profit since no one can afford the high prices. Therefore, the group also wants new laws to improve the economics condition.

After the students have heard the story, discuss with them the need for new laws in the country. Have students explain why they think the upper class is opposed to changing laws. Discuss with students what might happen to this imaginary country if the upper class refuses to change the laws.

Have the students read the handout EARLY ROMAN LAW: THE LAW OF THE TWELVE TABLETS. Ask them to reflect upon answers to the questions. Then conduct a class discussion using the questions. Stress the link to today. In addition, reflect upon the fact that these laws applied only to ROMANS, not foreigners. To whom do our laws apply in the United States today?

NAME_____ DATE_____

EARLY ROMAN LAW: THE LAW OF THE TWELVE TABLETS

The earliest Roman laws were drawn up by the Romans about 450 B.C. To make certain that everyone knew the laws, the Romans wrote the laws on twelve bronze tablets. The tablets were placed upon walls in the Forum, for everyone to see.

The tablets were destroyed when Rome was burned. But we know what the laws said. Some of those laws are printed below:

"If a theft has been done at night and the owner catches and kills the robber, the killing is lawful."

"If one person injures another's limb, the injured person may damage or destroy the first person's limb -- unless that first person is willing to pay damages."

"When the court decides that a debtor has not paid his debt, after 30 days, the debtor may be arrested. If he does not pay up, he will be tied up or jailed..."

"If a person dies without a will (saying who should get his property), his property shall go to his nearest male relative."

QUESTIONS FOR REFLECTION:

1. Why would the Romans have a written law? Why did they go to the trouble of putting up the 12 bronze tablets? Do we, today, do anything like this? Why?
2. Read each of the laws above. Do we have laws like these? What do our laws say?
3. These laws only applied to Romans! If you were a visitor or a foreigner living in Rome, a different set of laws applied to you. If you lived in Roman-held lands away from that city, different laws applied to you! Why do you think that the Romans had one law for Romans, and another law for everyone else? Do we do that in the United States of America?

OBJECTIVES:

1. Students will know the concept rebellion, and reasons people give for rebelling.
2. Students will draw conclusions from the Masada experience about freedom and rebellion against tyranny.
3. Students will understand that violent rebellion is not the only way to deal with tyranny and survival.

PROCEDURE:

Instruct students to read the handout and complete the part I questions. The follow-up discussion should focus upon the right of people to rebel against a tyrant. List the reasons the Jews might have used for rebelling. Conclusion: The law is not absolute, if imposed upon a people. There is a higher duty, perhaps.

Have students complete the second part of the handout on another kind of strategy for dealing with a tyrant. The route that saved a religion and a culture. Ask: "Is discretion the better part of valor?" Can a people be free in the midst of tryanny? How? Why?

The follow-up discussion should focus upon discussions of freedom, tryany and rebellion in our own history and our own time.

NAME _____ DATE _____

ANCIENT ISRAEL: THE DEATHS AT MASADA

Masada is a huge rock hill, rising 1300 feet above the Dead Sea in the country which is now called Israel. In Hebrew, masada means fortress. Early Hebrew leaders made this hill top into a fortress, against invasions by the Romans.

During the first century A.D., Israel (called Palestine) was under the rule of the Roman Empire. Rebellions against the Romans by the Hebrews brought out the Roman armies. In 70 A.D., the Romans captured the city of Jerusalem, destroyed the Jews' temple, killed about 600,000 Jews, and placed almost all the rest in slavery!

One group of about 1,000 Jewish men, women, and children escaped to Masada, the fortress. They attacked the Romans from there. But in 73 A.D. the Roman army attacked them. It was 960 Jews against 5,000 Roman soldiers. These Jews took their stand and refused to be conquered by the Romans. They refused to be slaves. When it was clear that Romans would over run Masada, their fortress, the Jews agreed to take their own lives. The Roman army would have a hollow victory!

Only two Jewish women and five children survived, to tell the story.

QUESTIONS FOR REFLECTION:

1. Why did Roman authorities send armies to Palestine against the Jews? Was this lawful?
2. Why do you think that Jews in Palestine were rebelling against Roman rule? Was this lawful?
3. Why did the Jews at Masada take their own lives? What did they hope to achieve?
4. What is an important lesson that you might want to learn from those who died at Masada?

While the people at Masada chose to die, rather than submit to Roman slavery, other Jews took another position. After Jerusalem was burned, Rabbi Johanan ben Zakkai asked for permission to build a school so that Jews might study the Torah (the Holy Bible, "Old Testament"). Here in Palestine, under Roman rule, Jewish teachings were preserved. Judaism might well have died away, if Rabbi Johanan ben Zakkai -- a peaceful man -- had not chosen slavery and built his school for others to study Jewish traditions.

QUESTIONS FOR REFLECTION:

1. Is it possible to be free in the middle of slavery and a powerful govenment? How?
2. If those at Masada saw freedom as resisting tyrant, how did Rabbi Johanan Ben Zakkai see freedom?

CASTE SYSTEM

OBJECTIVES:

Students will consider various discriminatory practices within our society that once had religious doctrine to support them.

PROCEDURE:

1. Explain the following: The Aryans developed a system to control the lands and people they conquered. They divided the people into classes or castes. The Aryans belonged to the top castes. The conquered peoples belonged to the lowest classes, or castes. There were about 2000 castes based upon occupations. The five main classes that developed were:

   a. Brahmans (priests)
   b. Nobles and rulers
   c. Merchants and farmers
   d. serfs (natives) who worked as slaves for Aryans
   e. untouchables (outcastes)

This system eventually became an intricate part of the Hindu religion in India.

Today the Republic of India has outlawed the practice of the caste system, but changes in a way of life that has existed for hundreds of years are slow.

2. Have students think of any similar social discriminations that are practiced in the U.S. that once had religious doctrine to support them. (list as many as possible)
3. List laws that have been passed to prohibit these social discriminations.
4. Have these laws been successful?

THE EARLY MIDDLE AGES

OBJECTIVES:

1. Students will compare and contrast medieval rules governing behavior with contemproary rules in Florida.
2. Students will generalize about the impact of religion and religious institutions upon our rules about human behavior, including our laws.
3. Students will be able to define the concepts: authority and power.

PROCEDURE:

Write the concepts power and authority on the chalkboard. Ask students to define each. Use the discussion to broaden their understanding of each. Power refers to the ability to influence decisions and courses of action. Authority refers to the right or responsibility to use power to affect decisions and courses of action. To have authority without power is to be ineffectual. To have power and use it without authority is to be lawless or tyrannical.

In the early middle ages the Roman Catholic Church was trying to build its power over life in Europe and to establish its POWER. Ask students to examine the handout and respond to the questions. Discuss their answers by building from POWER and AUTHORITY. What were the problems that the rules/laws tried to deal with? Did the Church have AUTHORITY to deal with these? How did it get the authority? (It would say from God; others might say because there was an absence of authority -- a vacuum).

How did the Church build its power?.....

How are these laws/rules like and different from ours today? Who has the AUTHORITY to enforce our various rules/laws? How did they get the POWER? Analyze different rules and laws in various situations with the students -- school, home, community, etc.

NAME_____ DATE_____

THE EARLY MIDDLE AGES: RELIGION AND THE LAW

The early Middle Ages in Europe are famous for the disorder into which society had fallen. There was little law and order. Warring princes and bands of armed men ran rough over people, their towns and churches. Peaceful life was hard. Violence was common.

In 989 A.D. one archbishop of the Roman Catholic Church called an assembly of bishops and church leaders. Together, they tried to use the authority of the church to bring Peace. They ordered:

1. If anyone breaks into a sacred church, stealing things and harming the faithful, then they are cursed (Thrown out of the Church, Christianity);
2. If anyone robs peasants or other poor persons of a sheep, goat, cow, ox, ass, or pigs, then he is cursed (thrown out of the Church, Christianity); and
3. If anyone attacks a priest who is not carrying weapons, that terrible person will be thrown out of the Holy Church of God, to suffer.

In 1027 A.D., another meeting of bishops and church leaders tried to limit violence and warfare. They made these rules:

1. No one should attack another from sundown on Saturday until the first hour on Monday, so people may perform their religious duties;
2. No one should attack an unarmed priest, a man on his way to church, or a man with a woman traveling with him;
3. No one shall attack a church or house near a church;
4. No one shall eat or drink with those cursed by the church, nor pray for them when they die, or bury them in sacred ground.

QUESTIONS FOR REFLECTION:

1. Why did the church leaders make these rules? What did they hope to accomplish? Why didn't the government simply make and enforce laws?
2. What authority did the Church leaders have to make rules for everyone? Did the church leaders have the power to enforce these rules?
3. How are these rules like our laws? How are they different?

THE CODE OF CHIVALRY

OBJECTIVE:

Students will learn the concept that all persons must follow certain basic rules of family, school and society.

PROCEDURE:

1. Give students a copy of the hand-out on Code of Chivalry.
2. Use questions as written work.
3. Discussion should follow written work.
4. Use any of the follow-up activities.
5. Other famous stories of chivalry are the stories about King Arthur and the Knights of the Round Table. Find out about these stories.
6. Assign students to write an account of how a man became a knight, including various steps- page, squire and knighthood. The students may wish to write imaginary autobiographical accounts, describing how they tried to live up to the code of chivalry in their lives as knights.
7. Write your own Code of Conduct for today.

NAME_____ DATE_____

THE CODE OF CHIVALRY

Chivalry required a knight to be -

1. Loyal to his lord
2. Faithful to the lady he loved
3. Loyal to the Church
4. A protector of the weak, the poor, the helpless, and all women and children
5. A brave and well-trained fighter who could bear great suffering and hardship
6. Fair, just, kind, and truthful

Feudalism is the inspiration for three of the ideas; loyalty to the lord; faithfulness to the lady; and bravery and skill in fighting. The other ideas come from Christianity; loyalty to the Church; protection of the weak, the poor, the helpless, and all women and children; fairness, justice, kindness, and faithfulness.

The word chivalry comes from the French word chevalier meaning knight, or horseman. Chivalry was a mixture of soldiers duties and Christian ideas; a way of life of a knight. As the Middle Ages grew more civilized the meaning of chivalry changed. It began to apply to more people rather than just knights. Changes in behavior did not take place quickly. Still, a new set of ideas did come into being. The ideas are still with us today, although often in different ways from the ways of medieval times.

QUESTIONS FOR REFLECTION:

1. Knights were loyal to their lords, to whom do you think you should be most loyal to today?
2. Why is it important for any group to establish rules?
3. Knights were required to assume certain responsibilities. What are some of your responsibilities as citizens today?
4. What kinds of stories do you like to read or to see in movies or on television? Do these stories tell you about your culture and its controlling ideas?

LAW AND THE HIGH MIDDLE AGES

OBJECTIVES:

1. The students will list the methods used to determine guilt or innocence under Medieval Law.
2. The student will explain what made these methods unfair and biased.
3. Students will compare and contrast these methods with contemporary methods and procedures in Florida and the United States of the 1980s.

PROCEDURE:

Medieval ways of deciding guilt or innocence were often different from those used today. One method was by oath. When oath was used the plaintiff or accuser would swear that he was innocent. The court had to determine if proof was necessary and which side should give it. The person who had to present proof was told by the court the number of witnesses who could be called. The witnesses were not called to give evidence, but to swear that the person they were supporting was telling the truth. The oath of a person of high rank had a greater value than the oaths of people in lower positions. For example, the oath of a Lord equalled the oath of six serfs. After hearing the witnesses, the court would decide the verdict.

Another method of determining guilt or innocence was by ordeal. Water ducking and hot iron were the two most common forms of trial by ordeal. the accused was prepared for the ordeal by visiting the priest, eating a special diet and finally making an offering.

In the hot iron ordeal next to the church was built a fire in which a piece of iron was heated. Then the accused had to carry the red hot iron 9 steps. The hand was immediately bandaged and not treated for three days. At the end of this time, when examined by the priest it was believed that the accused had been protected by God or his angels. Therefore, the person was innocent. If the hand did show signs of a burn the person was found to be guilty and required to pay a fine.

In the ordeal of the water ducking the accused had his hands and feet bound and was then dropped into a pond or stream. If he sank it was believed he must be innocent since the water had accepted him. He would then be pulled out and freed. If however, he floated to the top it was believed his body was impure and guilty. He would then be pulled out of the water and made to pay a fine.

Have students use one, two, or three of the activity sheets attached to the lesson. Each in its own way raises questions about styles of medieval "trials" -- quite different from our modern American notion of a "trial." Use these to draw comparisons with contemporary trial procedures and standards.

NAME_____ DATE_____

THE MIDDLE AGES: TRIAL BY BATTLE

Part I: Truth is hard to get. In our court system, we need to get the truth to see if the accused person is innocent or guilty. We need to see if someone has been wronged, so that the judge can correct the wrong.

The judge depends upon evidence -- the true facts. He or she listens to witnesses, people who have the facts and have sworn to tell the truth in court. The judge and the jury have to figure out who is telling the truth.

Talk to a judge or a lawyer or a law enforcement officer to find out what happens in a courtroom to get at the TRUTH.

Part II: During the Middle Ages when conflicts arose, the authorities also needed the truth. Both men who were parties to the conflict had to appear in court. The person making the complaint (the plaintiff) had to tell his complaint and the facts about what happended. The accused person got to tell his side of the story. Both would swear that they were telling the truth.

The authorities would take them to the combat area. There they would go into battle against one another. They had no armour, their heads were uncovered, and they each had one weapon. It was a stick with a horn-shaped point. If the accused person could defend himself until the stars came out at night (without running away), he was declared free and innocent. If the accused person was down and forced to confess, he was thrown into prison, or hanged, or put to some painful death. If the defendant lost, all his property was taken and his family shamed. His children were never permitted to own land.

QUESTIONS FOR REFLECTION:

1. What are the problems in using a "trial by combat" method for establishing guilt or innocence? Do you think that the truth is likely to come from such a trial?
2. Compare our methods for getting the truth with the Middle Ages' trial by combat method. Why do you think that trial by battle or combat is not used in Seminole County today?

NAME_____ DATE_____

MIDDLE AGES: ORDEAL BY FIRE

Part I: Today we often have trouble in telling when someone is telling us the truth and when someone is telling a lie. In court, when someone is accused of breaking the law, it is important that each witness tells the truth.

1. How do we go about getting the truth in a courtroom? What does the judge do and lawyers do to get at the truth?
2. What are the penalties for not telling the truth in a courtroom? What do (perjury, oath, and swear mean?)

Part II: In the Middle Ages, it was common to see if someone was telling the truth by the "ordeal by fire." If the authorities doubted that someone was telling the truth, they had that person walk through fire. If he lived, it was assumed that he was telling the truth. If he died, he was thought to have been lying! Here is the story of Peter Bartholomew:

On the First Crusade, Peter Bartholomew claimed to have found the spear which the Roman soldier had stuck into Jesus' side while he was on the cross. Some doubted his story. A fire was built and 60,000 people gathered. They grabbed the spear and walked into the fire. He walked through the fire with his feet bare, and came out alive.

While Peter died twelve days later, his story was accepted as truth. The spear was saved as a Christian relic. Peter had passed the ordeal of fire. God had spoken.

QUESTIONS FOR REFLECTION:

1. What do you think about this method for getting the truth?
2. How might this method have been effective in getting people to tell the truth?
3. How do we today encourage people to tell the truth? Why do we have witnesses to Court swear to tell the truth?

NAME_____ DATE_____

PICK A TRIAL

The Germanic tribes swept across Europe in the last days of the Roman Empire. They had a different idea of justice than the Romans. They believed that God could decide who was right in a dispute if the people submitted themselves to a dangerous test.

Often conflict as settled by the "Wager of Battle" in which two disputants fought with the same weapons. Or they could hire a "champion" to do the fighting for them. Another common form of settling conflict was ordeal.

There were several types of ordeals listed below.

Red-Hot Irons
This ordeal varied from group to group. The usual form was to carry a red-hot iron for nine feet in the bare hands.

The Water Ordeal
A person is tied and lowered into the water. If he sinks, he is telling the truth. Of course, to enjoy his innocence, he would have to be quickly pulled out.

The Balance
A person was weighted on a balance. Then he or she was reweighed after a few minutes. If he or she were heavier, he was telling the truth.

The Ordeal Of The Cross
Both the accuser and accused would have to kneel before a cross with their arms uplifted. The one who could hold his arms the highest for the longest time was considered to be telling the truth.

The Corsnaed
Bread or barley was blessed by a priest and, after a religious ceremony, was eaten by the accused. If the person had difficulty swallowing it, he was not telling the truth.

Ordeal Of The Eucharist
A religious relic was washed. The water used to wash the relic was drunk by the accused. If the accused didn't fall ill in 14 days, he or she was innocent.

QUESTIONS FOR REFLECTION:

1. Which do you think is the most likely to produce a just determination of whether or not a person is telling the truth?
2. How do the ideals of justice differ today from the medieval times?
3. Describe the methods we use to decide justice today.
4. Write a brief description of a crime that might have occured in Middle Ages. Then describe the method of punishment you would assign this crime (use one of the punishments described above).

MEDIEVAL RESPONSIBILITIES

OBJECTIVES:

1. Students will be able to define responsibility and give examples.
2. Student will be able to use a set of questions to understnad and evaluate a law or law code.
3. Students will develop their own positions on civic responsibility -- reporting criminal activity and aiding police officers.

PROCEDURE:

Discuss the concept of responsibility with students, getting them to define the term and to give examples from their own life space.

Use the activity sheet to get them to focus upon one notion of civic responsibility in the Middle Ages. Use the questions to guide a class discussion of the issues involved. Under Florida law, a person does not have to raise a hue and a cry, but it is increasingly thought desirable (note Neighborhood Crime Watch Programs!) But under Florida law, a person must come to the aid of a police officer, highway patrolman, etc, if asked by the officer to assist!

Get students to answer the following questions about the Hue & Cry law during the Middle Ages. Then, get them to use the questions to think about and to assess a contemporary rule or law.

1. What was the purpose of the law?
2. Why was it needed?
3. Who enforced the law?
4. Do you consider the laws harsh?
5. Could the laws be changed?
6. Were the laws posted?
7. Were there court systems established?
8. How effective were the laws?
9. Who created the law?
10. How did the people feel about the laws?

NAME_____ DATE_____

MEDIEVAL LIFE: RAISING A HUE & CRY

In England during the Middle Ages, each citizen was required by law to raise a hue and a cry, if he or she saw a crime being committed. If a peasant was cutting down a tree or shooting a deer in the King's forest, others had to report him to the Reeve of the Shire. If a man was robbing another man in a town at night, those seeing the robbery had to sing out a warning -- to attract law officers. If they did not do this, they were breaking the law and would be punished.

QUESTIONS FOR REFLECTION:

1. What are your feelings about this rule? Do you think that others ought to be held responsible for reporting law breakers? Why or Why not?
2. If you see someone breaking a class or a school rule, would you report them to the teacher or principal? Why? Why not?
3. Under Florida Statutes, can you be held responsible if you do not report a crime? Must you raise a hue and a cry?
   ---- If someone is breaking in a house and you see them, what should you do?
   ---- If someone is driving a car and hits a child and continues driving away, what should you do?
   ---- If someone started a fight and is beating up another person, what should you do?
4. Under Florida law, if a police officer asks for your help in arresting a suspected law-breaker, what must you do?

MAGNA CARTA AND THE PEOPLE

OBJECTIVE:

Students should understand that the Magna Carta became the basis for our own country's liberties because these were partly brought from England. (Magna Carta was a feudal document written by a feudal society.)

PROCEDURE:

The concepts of the Magna Carta flowed directly into the Declaration of Independence, the United States Constitution, and the Bill of Rights. All affirm the desire of the people to resist unlawful rule, to be governed by the rule of law, and to protect basic liberties. Even today the Magna Carta is used in arguing certain points of law in English courts. From this old and faded manuscript full of outdated language come the living concepts of (1) no taxation without consent of a just counsel, (2) no imprisnoment of citizens except by law, (3) due process of law, (4) trial by jury, (5) Habeas corpus and (6) judicial review. Without these principles originating from the Magna Carta, America, as we know it, would not exist. If students capture the essence of these ideas in their minds, they will understand the importance of the Magna Carta.

1. To get the idea of the Magna Carta's impact, do the activity sheet entitled THE MINOR CARTA, dealing with "Mr. Murphy." Have students contrast this with the priniples in the Magna Carta.

2. The basic activity for emphasizing the importance of the Magna Carta is to make specific comparisons of its content with that of a document such as the U.S. Constitution and the Bill of Rights which affect their everyday life. These examples are suggested for comparision:

   First Amendment-Clause 1; freedom of the Church
   Fifth Amendment-Clauses 28, 30, 39; due process, protection of private property
   Article III, Section 2; Sixth and Seventh Amendments all relate to the concept in Clause 39 of trial by a jury of peers
   Eighth Amendment-Clauses 20,55; unjust fines
   Article 1, Section 9-Clause 39, habeas corpus
   Article 1, Section 9-Clause 32; forbids bills of attainder
   Fourteenth Amendment-states cannot take away these guarantees

   All states have their own similar declaration of rights based on these same principles.

3. Make similar comparisons between the Magna Carta and the constitutions or declaration of liberties used in other countries. Which provisions of the Magna Carta have proven to be the most influential?

NAME_____ DATE_____

THE MINOR CARTA

This morning, Mr. Murphy, our principal, announced that there would be some changes in school policy. He will punish people without allowing them to defend themselves, and place a tax on food and supplies bought in school. He has made these decisions on his own, without asking the teachers for advice. And, he has selected certain members of the Student Council to make sure his orders are obeyed.

Pretend as though you are a member of the Student Council. You are upset because Mr. Murphy has acted over the law. You decide that a set of rules should be set up for him to follow. You want to make Mr. Murphy sign the rules too, so that he will have to obey and enforce them.

The main rules you decide on are listed below. You call them:

THE GREAT CHARTER

_____a. Mr. Murphy cannot collect any "special" taxes without permission of the Student Council.

_____b. Mr. Murphy cannot punish anyone, or suspend them unless they have had a chance to defend themselves.

_____c. Mr. Murphy must obey the laws just like everyone else.

_____d. Mr. Murphy must consult teachers before making new laws.

_____e. Mr. Murphy must consult the student council before making any laws.

_____f. Mr. Murphy cannot force others to carry out unfair laws.

_____g. Mr. Murphy must stop favoring certain students.

As a group, you meet with Mr. Murphy. Mr. Murphy refuses to accept all the rules. He offers to compromise. Now, you must select which rules are most important to you. Put a 1 beside the rule you think is most important, 2 beside the second most important, etc.

NAME_____ DATE_____

MAGNA CARTA

The Magna Carta is a long document written in Latin script using the feudal terminology of the day. Historians have divided it into 63 clauses or chapters. Many clauses address specific feudal obligations such as scutage, aids, relief, wardship, and debts. However, many of these clauses were later applied to situations beyond the feudal structure of that society which is the main reason it has endured.

You may want to reproduce copies for use by your students. Again, restrictuions of space do not allow a detailed analysis here of the content of the charter. Brief summaries of the groups and issues directly are presented as guidelines for teaching about the content.

A. THE BARONS

about 20 clauses relate to their demands to curb royal power. Of greatest significance was the fact that the king accepted written limits to his authority. He was to act within the law, a revolutionary idea for that day.

B. THE CHURCH

The Church had already won its battle with the king so little is said about it except in the famous first clause. This crucial clause stated that the Church was to be free from royal interference, another enduring idea.

C. THE KNIGHTS

This group was promised justice from the barons in carrying out the obligations of their feudal agreement, particularly in the area of military service.

D. MERCHANTS AND TOWNSPEOPLE

Liberties of the towns were confirmed; special status was given to London. Guarantees were given to merchants.

E. PEASANTS

Rights of free peasants were protected. Serfs or bondsmen bound to the lord's land (the majority of society) were not affected at this time.

F. LAW AND GOVERNMENT

These clauses have been most influential. Clause 39 has been called the heart of the Magna Carta since it speaks to the guarantee of some basic rights of free men. Other clauses deal with fair, impartial justice and responsible local government. Law and government were to be removed from the personal whims of politics.

G. THE FORESTS

Large royal forests such as Sherwood Forest irritated the common people. The Magna Carta tried to restrict the king's rights to use the forest and reduce heavy fines given to violators of forest laws.

Activities

1. Identify the specific clauses which relate to each group and issue above.
2. Identify any terms or phrases in the document whose meaning is not clear. Translate them into everyday language using examples.

REEVES AND SHERIFFS

OBJECTIVES:

1. Students will define the term sheriff and relate its root to the medieval reeve of the shire.
2. Students will compare the duties of the reeve with those of the modern Florida sheriff.

PROCEDURES:

Introduce the term REIVE OF THE SHIRE. Ask students if we have any government leader by that name. Tell them or get them to DISCOVER the origin and activities of the REEVE as a political arm of the medieval English monarchy. They should research his duties.

Invite a Sheriff or Sheriff's deputy to your class to discuss the duties, under Florida law and civic expectations, for the Sheriff today. Students should take notes, to complete the form on the attached activity sheet.

NAME_____ DATE_____

QUICK, CALL THE REEVE OF THE SHIRE!

In England about 1200 A.D. there was a fellow called Robin Hood! Robin was a daring and dashing figure. He robbed the rich and gave to the poor. He stole money and food from the King -- King John (an unpopular king) -- and gave to the poor. Robin was especially fond of saving young ladies in distress.

Robin Hood lived in Sherwood Forest with 100 good men who were fine archers. With their long bows and arrows, they drove off the King's forces, sent "bad guys" to meet their maker, and protected the poor. Robin's friends were many, and had colorful names -- Wil Scarlet, Allen-a-dale, Friar Tuck, Little John (who, of course, was huge), and Maid Marian.

Robin Hood's great enemy was the High Sheriff of Notingham. The term sheriff comes from medieval England. The King appointed a reeve in each shire(or district) who looked out for the King's interests. It was the reeve's job to see that nobles paid their taxes, that the King's lands and forests were protected, and that the peasants did not kill the King's wildlife. Later, the name was joined to be sheriff (shire reeve). Each county in England had a sheriff appointed by the King. As cities grew, the King appointed sheriffs for them, with the City of London having two sheriffs. Eventually, the sheriff's job was to work with the courts to keep the peace in the county and to supervise elections.

Today, each county in Florida has a shire reeve! We call them sheriffs and the citizens in each county elect their own sheriff for a four-year term in office. What are the duties of our Florida sheriffs? How are these duties SIMILAR to and how are they DIFFERENT from the duties of the shire reeves in medieval England?

1. Duties:

2. SIMILAR DUTIES: DIFFERENT DUTIES:

THE DIVINE RIGHT OF KINGS

OBJECTIVES:

1. Students will differentiate between the means of making laws under a king and the means of making laws under a democracy.
2. The student will list advantages and the disadvantages of a king having divine rule.
3. Students will make a comparison of the means of passing laws today with the means used by a king.
4. Students will define divine rule.

PROCEDURE:

Teacher should divide class into half. One half will represent a modern society, the other an early Renaissance society. The modern society should elect law makers from their numbers, approximately one quarter should be law makers. Make sure students realize the importance of elected officials who will represent them when making laws. The Renaissance society should pick a king by drawing from a hat. Them the king will appoint ¼ of the group to be members of his ministry.

Give both groups the following problem and have them work unaware of the other group. They should come up with laws to solve the problem. Make sure the king understands the power he/she has.

Problem: A new cathedral must be constructed to keep pace with the growing population size and to rival other city-states. What sources may be used to raise taxes and what share should each source pay in taxes.

Students should be given at least one class period to work on the laws or decisions.

Then have each group present their solution to the class as a whole. The modern society might want to make their decision a referendum where the class will decide. The monarchy will present his decision solely.

COMPARING THE POWERS OF A KING AND THE PRESIDENT OF THE UNITED STATES

"The person of the king (absolute monarch) is sacred, and to attack him in any way is an attack on religion itself. The respect given to a king is religious in nature. The king is not responsible to anyone on earth...The Royal power is absolute."
It is said that the President of the United States is the most powerful leader in the world.

Directions:

Some powers are listed in the chart below. Write yes or no in columns marked "Absolute Monarch" and "President" to indicate the powers of each.

POWER:	ABSOLUTE MONARCH	PRESIDENT
1. Can make laws		
2. Can break undesirable laws		
3. Can levy taxes		
4. Can rule as long as he/she wishes		
5. Has authority to enforce laws		
6. Can declare and wage war		
7. Can veto laws passed by a legislature or parliment		
8. Can sentence criminals to prison or death		
9. Can pardon criminals		
10. Can enter into treaties with other nations		
11. Can legally be removed from office		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

THE GREAT FIRE OF LONDON

On September 1, 1666, the great fire of London began. Thomas Farynor the King's baker and his daughter Hannah noticed that the wood used for baking had caught fire, They were able to escape by climbing on the roof letting themselves down next to the door. Farynor's bakery was in Pudding Lane, near London Bridge, and Thames Street was also near, It was a mass of warehouses full of brandy, tar, oil, sugar and butter--all certain to spread the fire if the wind got up. At first it looked as if the fire was going to burn itself out in Pudding Lane; but then the wind did get up. It was to blow in the most dangerous direction for the next four days. A shower of sparks blew on to the stables of the Star Inn and set if afire. The fire spread to the stories in Thames Street. Soon a third of London Bridge, which was covered with small houses in those days, was burning. The fire was quite out of hand. It ate up the church of St. Magnus at the entrance to the bridge, and it spread all along the river banks and inwards towards the heart of the city. At midday the Lord Mayor gave order that all men should set up a fire line. Others were used to try and pull down houses to create a gap over which the fire could not leap; but the Mayor misjudged the speed of the fire, which reached the places chosen for making the gaps before the timber could be removed. Still the east wind blew. The lawyers in the Temple began to fear for their buildings and to remove documents, but they considered it would be against the law to break into the chambers of absent barristers to save valuable papers. The church of St. Lawerence Poultney was in flames by noon, soon after many other churches. These were the first of 87 City churches to be destroyed in the four days the fire raged. Only ten were to be left standing.

When a tragedy strikes it is natural that people will be persuaded that the terrible fire was started on purpose by enemies. It was blamed first on the Dutch, others believed that Roman Catholics were responsible. Foreigners were said to have been seen throwing fire-balls into buildings. In October a 25 year-old French watch-maker was hanged for starting the Great Fire of London. He was hanged after a proper trial, and what led to his conviction was his own confession. According to his story he had plotted abroad for a year and arrived in a Swedish ship on Sept. 2. His evidence was confused and contradictory, so much that even the judge did not beleive him. Nevertheless he was hanged. Soon afterwards it was proved beyond a shadow of a doubt that he could not have started the fire. The captain of the ship testified that he did not land until two days after the fire had started. The crime that the watchmaker was charged with was arson. Arson is the crime of willfully and illegally damaging buildings or other property by fire.

QUESTIONS FOR REFLECTION:

1. Where did the fire begin? Why did it spread so quickly?
2. What ideas did people get about how the fire started?
3. Why do you think the watchmaker was hanged even though everyone doubted his story?
4. Do you remember reading about any fires started by arsonists?
5. Would you be willing to testify in court to tell what you know about someone you saw willfully starting an illegal fire? Why?
6. Why do you think turning in (calling) or pulling fire alarm is dangerous?
7. Is turning a false fire alarm in against the law?
8. What methods do we have today to determine if a fire is set by an arsonist?
9. Draw in all the places mentioned in the story. You can make a map of London.

PASSIVE RESISTANCE

OBJECTIVE:

To encourage students to understand differences between passive and violent reisitance.

PROCEDURE:

1. To explain the following: The outstanding leader of the freedom movement in India was Mohandas K. Gandhi. He believed India should be free, but he did not favor revolution by war or by rioting. Instead he proposed to embarrass the British government in India by refusing to co-operate with it. He advocated a plan of passive resistance. He encouraged the people of India not to hold office, pay taxes, attend school or buy British goods. By passive resistance the Indians made it hard for the British to govern India.

2. Have students think of any similar incident like this in the U.S.
   Examples: Thoreau Civil Disobedience
   Draft evaders
   Martin Luther King and Civil Rights
3. Is passive resistance treated differently than violent resistance?
4. Do they both break the same law?

LAW LESSONS

UNITED STATES HISTORY

RULES AND LAWS IN EARLY AMERICAN CULTURES

OBJECTIVES:

1. The student will state the reasons for the need for laws or rules in the most primitive cultures
2. The student will state the relationship between the complexity of a culture and its types of laws in punishments which it imposes on law breakers

PROCEDURE:

Distribute to each student copies of the following situation and directions: You and your family of four are part of an early primitive clan made up of six other families. The basic lifestyle of your clan is nomadic, in which you wander about in search on edible plants and animals, and to and from areas of varying climate according to the seasons. Answer the following questions on your paper:

1. Why have you and your family remained with the other families?
2. What basic rules or laws may have been established by your clan?
3. List the basic reason for each of the above rules or laws.
4. In what ways have the rules or laws been taught to the younger children?
5. How does an adult member of the clan know if he has broken a law or not?
6. Who decided what the punishment for law breaking should be?
7. What specific punishments might be given for the violation of each rule or law which you listed in number 2?
8. Suppose that your clan is considering uniting with and traveling with 2 or 3 other clans of similar size. What factors will you consider in deciding whether to unite or not?
9. How will the decision to unite affect the laws or rules that have already been developed by each clan?
10. Assume that the population of your new clan increases and you begin to stay longer in different places and eventually settle in one permanent site. What specifically will happen to your rules and laws as:
    a. population increases?
    b. your settlement stays permanently in one place?

The teacher may choose to let students answer the above questions be working in groups or working individually. Let students write out their answers accordingly with a 20-25 minute time limit. The teacher should then guide a class discussion, being certain to develop the following concepts in connection with the questions if the students do not mention them in the discussion:

1. Answers should include mutual protection, common purpose, etc. Also mention the family as a basic unit.

2. Some possible answers may be that it is against the rules or law to kill, steal, or physically assault; also it may be required that those who are old enough and physically able must take part in food gathering, preparation, etc. Also superstitions may play a great part in rules and laws.

3. Answers will vary, but generally the need for protection and safety of both life and possessions should be mentioned.

4. Answers should include word of mouth and teaching by example, as well as some possible recorded means of pictures, etc.

5. Answers should note that generally, in a primitive culture only a few basic laws exist and that adults are almost always familiar with them.

6. Answers will vary, such as the chief or leader, a council of elders, or all adult males, etc.

7. Punishments will vary according to the seriousness and severity of crime. It should be mentioned that because of the culture's nomadic life, imprisonment might be impractical, thereby giving rise to other possibilities, such as exile, banishment, or death.

8. Factors under consideration should include similarities of cultures as expressed in concepts of justice, laws etc.

9. Answers should include modification of rules or laws to meet needs of a larger group; possibly more structured and formalized lines of authority, etc.

10. a. Answers should point out by examples that as population increases, rules and laws will become more complex to accommodate varying degrees of complexity in the culture's economic, political, communicative and spiritual activities.

    b. Answers should point out that as a settlement becomes permanent, rules and laws will become more complex and structured, including possible written laws, basic tax structure, means of imprisonment, greater restrictions on absolute freedoms in order to insure necessary safety and equality for all, etc.

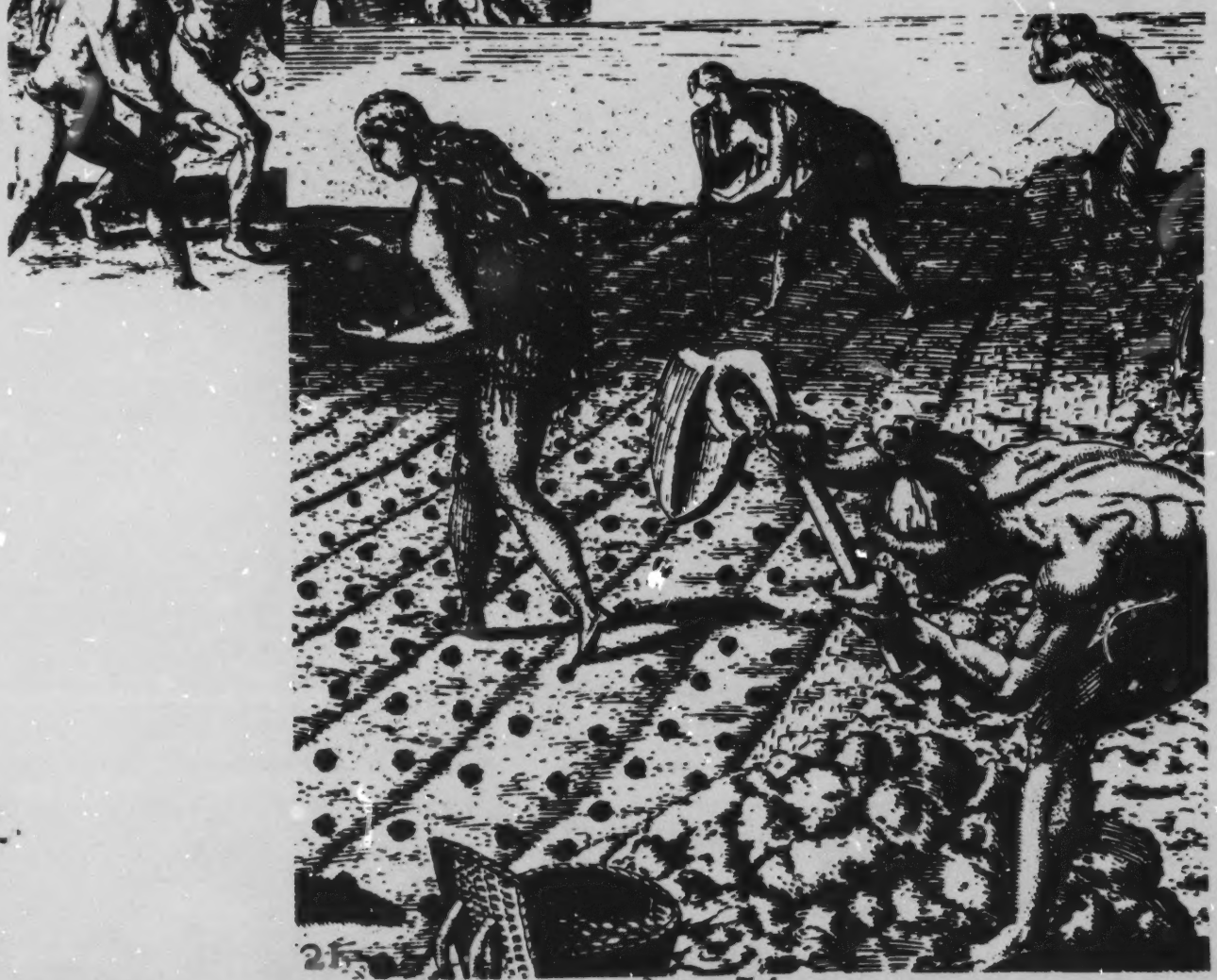
An alternative or a complementary activity is provided by the attached student activity sheet. Ask students to interpret the early prints of Florida's Timucua Indians to see what rules (and "laws") they might have had. This is a fine inference drawing activity -- for skill development. Use the three questions on that sheet to focus student work and class discussion.

NAME_____ DATE_____

ORDER AND RULES AMONG NATIVE AMERICANS

When Eropean explorers came to what is now Jacksonville, Florida, they found these Indians living there. These Indians had order in their villages and rules to follow.

1. What can you tell about these Indians from the pictures?
2. What kinds of rules do you think that they would have in their villages?
3. How do you think these Indians might have seen to it that the rules were followed?



LAWS IN COLONIAL AMERICA

OBJECTIVES:

At the conclusion of the lesson the student should be able to:

1. List five important rules necessary to govern a society
2. List five consequences of the failure of a society to establish rules by which it is governed.
3. Write the need for consensus within a society to abide by the established rules.
4. To explain why colonists wanted written laws

PROCEDURE:

1. After instructing students to take out pencil and paper, the teacher distributes copies of the following situation and directions: "During a voyage in the early 1600's to an established New World colony, your ship is blown off course by a gale-force wind and shipwrecked on an uncharted coastal area. Only you and four others have survived. Realizing that you can't determine where you are and that you may not be found for a long time, all of you realize that you must plan for your protection and survival."

Instructions:

1. On your paper write ten rules you would make to govern your group while you are stranded.
2. The teacher allows sufficient time to complete instructions and then breaks the class into groups of five with new verbal directions: "Your group has to select at least five rules on which everyone agrees. You have _____ minutes to complete this." Select one person to act as secretary to record your group's responses.
3. The teacher compiles the concensus rules and lists them on the board or on transparencies. The entire class views the list and is asked to describe any problems they had in reaching agreement.
4. The teacher then reviews in the textbook the circumstances of the founding of the Plymouth colony or shows a film-strip which portrays the event.
5. The teacher reads the Mayflower Compact, clarifying unfamiliar words and spellings. After reading the document to the class, the teacher guides a class discussion using the following questions as a start:

a. What do you think are some of the things the separatists valued? Why?

b. How did they provide for their welfare in the document?

c. How many of your rules are like the rules in the document?

d. Do you think people make rules today for the same reasons they did hundreds of years ago? Why?

6. Use the activity sheet (attached) to raise questions about why the colonists in Massachusetts would want WRITTEN laws. A later activity will pick up on the Biblical basis for law in colonial Massachusetts.

NAME_____ DATE_____

WRITTEN LAW IN MASSACHUSETTS BAY COLONY

Part I:

As in all societies, there were people in Massachusetts Bay Colony who broke the law. Some of the colony's leaders had been judges in England and they became judges in America. The colony was governed by unwritten English law -- called the common law. But this did not seem to work too well. People did not know what the law was. They wanted laws written down, so that they could read them. They wanted to know what the law said -- long before they were accused to breaking it.

In 1641, the government proclaimed a Massachusetts Body of Liberties. It was based on the Bible -- for the writers were told to stay as "neere the lawe of God as they can." Witches were to be put to death.

About 100 "liberties" were included in the code, including the liberties of women, children, servants, foreigners, and other. A few of these are:

"Every married woman shall be free from bodily correction (beating) by her husband, unless it be in his own defense against her assault."

"No man shall exercise any tyranny or cruelty toward any animal which are usually kept for man's use (domesticated animals)."

"There shall never be any bond slavery amongst us, unless captives are taken in just wars and such strangers as willingly sell themselves or are sold to us. And these persons shall have the liberties which the law of God established in Isreal for such persons."

1. Why did colonists want a written law?
2. Why was the law code based upon the Bible?
3. Why was the emphasis placed upon "liberties" rather than just list crimes and punishments?

Part II:

1. What is the basis for law in Florida?
2. Why do Floridians, also, want a written law code?
3. What is the basis for law in the State of Florida?

"POSITIVE LAW" IN MASSACHUSETTS COLONY

OBJECTIVES:

Following the lesson the students should be able to:

1. Give reasons why colonial leaders would elect to force their fellows to support free public education for the children in a community.
2. Contrast these reasons with similar legislation in contemporary Florida.
3. Explain that law is not all control and punishment -- but is a creative force to enhance the quality of life for all in a community.

PROCEDURES:

Use the attached activity sheet in conjunction with the students' textbook to raise questions about education in colonial Massachusetts. The Focus should be upon WHY the leaders would force everyone to pay for the education of children. The power and authority of government is used to accomplish this end.

Move to contrast and compare the reasons for similar laws today in Seminole County.

Discuss other examples of the POSITIVE FORCE of law in enhancing the quality of life in a community -- roads, public transport, libraries, etc.

THE MASSACHUSETTS SCHOOL LAW OF 1642

After beginning the first college in America, Harvard College, Massachusetts Bay Colony passed the first school law in the American colonies. In 1642, the government ordered officials and parents to educate the children and youth of the colony. In 1647, that government passed a law requiring each town to have a school and a teacher.

In the 1642 law, the Massachusetts government said:

"This government has seen the great neglect of many parents in teaching their children to read and write and how to earn a living. The men serving as leaders in each town shall now take care to stop this evil. These leaders shall check on children's ability to read and understand the principles of religion, the laws of this colony, and ways to make a living."

"These leaders shall fine parents if they fail to do their duty. With a court order, the leaders shall take children away from parents who are not able and fit to employ and bring them up."

"Leaders in each town are to be paid from taxes, to do this so needful and beneifical work."

QUESTIONS FOR REFLECTION:

1. In Massachusetts Bay Colony, whose duty was it to see that children were educated?
2. Why did the government in 1642 take an interest in children's education? What kinds of education did it want children to get? Why?
3. Why does the government in Florida and in Seminole County have an interest in the education of children? Why do people pay all of the taxes to educate children?
4. How is your education different from, or similar to, the education required in Massachusetts Bay Colony in 1642?

COLONIAL LAW AND THEOCRACY

OBJECTIVES:

Following this lesson, students should be able to:

1. Explain that the Massachusetts Bay Colony was governed by religious men who were interested in all persons becoming members of their church and way of life.
2. Report that the laws were established to extend the laws of God to everyday life of man.
3. Observe that deviation from this would result in a formal judgement from the Government (Church).

PROCEDURE:

Give background information:

In 1630 over 100 men asked for the right to be freeman in the Massachusetts Bay Colony but it remained that only members of the Puritan Church could be freeman (have the right to vote.)
As the colony grew larger and more spread out it became necessary to send two representatives to general court. These were always men and always members of the church. These men felt they had created a perfect government. John Winthrop wrote,"God hath provided this place, to be a refuge for many, whom he means to save out of the General Destruction."

Into this society came a young woman .Anne Hutchinson, who was friendly and interested in the church. Each week she held a meeting in her home to discuss the previous Sundays' sermon. In these meetings she started agruing that doing good deeds alone could not get you into Heaven. She further argued that if one had the Holy Spirit within them they would go to Heaven no matter what they did.

NAME_____ DATE_____

THE CASE OF ANNE HUTCHINSON

Mrs. Anne Hutchinson, of Boston,
Massachusetts Bay Colony,
For Moving against Public Law and Order and
the Tranquility of the State

Will Hutchinson pried off the paper that was glued to his front door. Anne was pregnant and was staying in bed late. Will climbed the stairs, holding the paper as if it were burning his hand. This was terrible. Anne lay back on her pillow and fought down panic. She knew the trial would be open and shut. There would be no representative for the accused. She would be assumed to be guilty unless she could prove her innocence. She would be confronted with hostile witnesses but have no right to have witnesses in her favor. There would be no jury of her peers, only the decision of the judges.

Anne went to see her friend, Mary Dyer. Well into the night the two women consulted their Bibles. That was what the other side would be doing! Anne would have to answer for those famous meetings in which see played the role of teacher.

On November 2, 1637 Anne was tried.

A large gold-edged Bible lay open in the center of the table The bailiff asked Anne to lay her right hand upon it and swear that the testimony she would give was "Truth, whole Truth, nought but Truth. So help you, God."

Mistress Hutchinson was accused of 82 "errors in conduct and belief." Four were major: (1) "consorting with those that had been sources of sedition," (2) breaking the Fifth Commandment, "Honour thy father and thy mother," (3) claiming revelation of God's Word directly, (4) misrepresenting the conduct of the ministers.

Deputy Governor Winthrop clasped his hands and began, "You are accused of consorting with persons condemned for sedition."

"Please, sir, who might these persons be?" asked Anne.

"The silenced Brother Wheelwright and others since cited for contempt of court, fined, disgraced, or banished."

Anne replied: "I did not sign the petition in his favor. Also, it is difficult not to say good morning or good evening to one's own brother-in-law."

"Next, you have broken the Fifth Commandment, 'Honour thy father and thy mother.' We, the ministers and magistrates, are your fathers. We forbade you to hold meetings in which you instructed women. You obeyed not our commandment."

"Agreed, sir, that you and all of you are somehow my one father. I put it to you. In Acts 18:26 wherein Aguila and his wife Priscilla took upon themselves to instruct Apollos in the meaning of the risen Christ."

"You are also accused of claiming the revelation of God's Word directly to yourself."

Anne replied, "I have never claimed so in public, but only in privacy, in my own house."

"Next error, ..."

Anne did not hear the rest. She sank to the floor. It had gotten bitterly cold. No time out had been taken for rest. She had been standing some five hours.

QUESTIONS FOR REFLECTION:

1. What do you think was the decision of the Court? Why?
2. Would you have decided the same way? Why or why not?
3. What did Anne Hutchinson and her friend, Mary Dyer, read to prepare for the trial?
4. Why was Anne accused of breaking the Fifth Commandment?
5. In what ways did her trial differ from a trial in America today?

THE TRIAL OF ANNE HUTCHINSON

OBJECTIVES:

1. After discussion of reasons why first colonists came to America students will identify religious freedom as one of those reasons.
2. Recognize after reading this play, how the Third Amendment to the Constitution could have evolved.

PROCEDURE:

Discuss reasons for colonists coming to America - focusing on religious freedom in order to introduce play. Follow Anne's actions and possible motivations carefully for discussion when finished.

Assign students roles to play. Read out play.

After discussing questions at the end of the play, pursue the discussion with some of these questions:

- What does Scene Two tell you about the role of women during this time?
- Do you think this contributed to the fact that as a woman she was probably persecuted more than if she were a man.
- Students can be asked to find out where Anne and her family went and what, if anything, happened to them.
- How would the play have ended if it had occured 173 years later? Why?
- Can they name other incidents where implementation of the Third Amendment would have changed the outcome?

THE CASE OF ROGER WILLIAMS: CONFORMITY OR DIVERSITY

OBJECTIVES:

Following this lesson, the students should be able to:

1. State the issue in the case of Roger Williams and the General Court of Massachusetts Colony.
2. State the comparable issue facing governments and individuals today in the United States and in Seminole County (conformity Vs. diversity or pluralism).

PROCEDURE:

As students study colonial Massachusetts, introduce the Roger Williams case as appropriate. Notice that Massachusetts, as the City on the Hill -- God's creation, wanted only true believers within its bounds as a testament to God and the power of the Faith. It was a colony based upon working out God's Kingdom on Earth, as much as was humanly possible. Dissenters were heretics...disruptive factors to be dealt with quickly and forcefully. Roger Williams was a dissenter--a person with a different theological point of view.

Williams was driven out to Rhode Island ard Providence Plantations --but not until his trial in the General Court of Massachusetts.

Raise the issues with students --Conformity Vs. Diversity; Uniformity Vs. Pluralism; the separation of Church and State.

Use the questions to focus class discussions.

Activities:

1. Have student(s) write their congressman about his/her stand regarding separation of church and state requesting why they feel that way.
2. Have student(s) write to or discuss with a church official his/her feeling about separation of church and state requesting why do they feel that way.

NAME_____ DATE_____

THE CASE OF ROGER WILLIAMS

Roger Williams stood and faced the 50 men of the General Court who were about to question him. He had been accused of being a dangerous person. Not one lawyer in the Massachusetts Bay Colony would defend him.

One of the magistrates shouted, "You dare to say that the King of England does not own this land!"

"And you dare to say that each man should worship God in his own way!"

"Aye, it is wrong for the State to make laws telling people how to worship. Such laws bring tyranny to America."

"You also dare to say that others besides church members should have the right to vote!"

"The church and the government should be separated," answered Roger Williams.

The elders and magistrates frowned, but Mr. Williams would not change his opinion. The trial lasted all that day and part of the next. Finally the sentence was given.

QUESTIONS FOR REFLECTION

1. What do you think the sentence was?
2. What do you think the sentence should have been?
3. How did Roger Williams feel about the land of the Massachusetts Bay Colony?
4. What did Roger Williams think about laws and worship?
5. What is meant by separation of church and state?
6. Should church and state be separate? How would complete separation affect the churches? the government?

TRIALS AND EVIDENCE

OBJECTIVES:

Following this lesson, students should be able to:

1. Define evidence and give examples.
2. Restate the flow of the steps in a modern trial, Indicating where the witches trials were different in colonial times.
3. Argue issues involving fair trials for accused persons in modern Florida.

PROCEDURE:

Use the attached activity sheet to involve students in thinking about colonial witch trials. Go over the information presented and then, use the questions to guide a discussion of the issues. Stress the concept evidence and how evidence was used or misused against the accused persons.

Review the following steps in a contemporary trial. Compare and contrast these steps with the colonial practice in witch trials. Then, involve students in a discussion of the elements of a FAIR TRIAL in modern courts. What does a trial have to have or what rules must be followed for a trial to be a FAIR one for the accused party?

1. Opening Statement by Prosecutor-prosecutor explains to the trier of fact the evidence to be presented as proof of the allegations (uproven statements) in the indictment or complaint.
2. Opening Statement by Defense - Defendant's attorney explains evidence to be presented to deny the allegations made by the prosecutor.
3. Direct Examination by Prosecutor - Each witness for the prosecution is questioned. Other evidence (e.g., documents, physical evidence) in favor of the prosecution is presented.
4. Cross-examination by Defense - The defense has the opportunity to question all witnesses. Questioning is designed to break down the story or to discredit the witness in the eyes of the jury.
5. Motions - If the prosecution's basic case has not been established from the evidence introduced, the judge can end the case by entering a directed verdict (in criminal cases).
6. Direct Examination by Defense - Each defense witness is questioned.

7. Cross-examination by Prosecution - Each defense witness is cross-examined.

8. Closing Statement by Prosecutor - Reviews all the evidence presented (noting uncontradicted facts), states how the evidence has satisfied the elements of the charge, and asks for a finding of guilty (in criminal cases).

9. Closing Statement by Defense - Same as closing statement by prosecution. The defense asks for a finding of not guilty (in criminal cases).

10. Rebuttal Argument - Prosecutor has the right to make additional closing arguments.

11. Jury Instructions - Judge instructs jury as to the law that applies in the case.

12. Verdict - In most states, a unanimous decision is required one way or the other. If the jury cannot reach a unanimous decision, it is said to be a hung jury, and the case may be tried again.

1. Who is the most important person in the courtroom? Why?
2. Describe the role played by each of the participants in the trial.
3. It has been said that the "name of the game" is justice. Do you think that justice was achieved in this case?
4. Is there a better way of achieving justice?
5. If you were tried for a criminal offense, would you prefer a bench trial or a jury trial? Why or why not?
6. It has been said that trial by jury in a criminal case is inefficient, expensive, and time consuming. What do you think of this argument?

Criminal Case

1. With what crime was the defendant charged?
2. What legal questions or issues were raised by the case?
3. State the argument(s) of the defense.
4. State the argument(s) of the prosecution.
5. How did the prosecution try to prove its case?
6. Describe the strategy of the defense.
7. If you were an attorney for the prosecution or the defense, what facts or arguments would you have presented?
8. What was the decision? Do you agree or disagree with the decision? Why?
9. Do you have grounds for appeal?
10. In your judgment, did the defendant get a fair trial? If not, why not?

NAME_____ DATE_____

WITCHES IN COLONIAL NEW ENGLAND

Europeans living in the 1600s saw many witch hunts! Hundreds of thousands of people were put to death for being witches, or being under the spell of "evil spirits." Many books were written on witchcraft. And people --common folk and royalty --believed in witches.

This fear of witches and evil spirits was brought to America by the settlers. New England became the center of worry about witches. Preachers told their flocks to confess their associations with the Devil. A wave of anti-witch trials occurred between 1647 and 1663. Over 15 people were put to death in Massachusetts and Connecticut alone. In 1684 the witchcraft terror was repeated and continued to 1693. Salem, Massachusetts, was the center of the terror -- but other places were involved. Neighbors were accusing neighbors of being under the Devil's influence. Twenty people were **hanged** and many, many more thrown into jails -- before the scare was over.

By 1711, the Massachusetts government and many officials realized their errors. They apologized...but the damage had been done. People were dead. Others had been tortured to get evidence about the Devil's work.

1. How would you go about finding evidence as to whether someone was under the spell of the Devil?
2. How would you know if someone was a witch?
3. Why do you think judges, preachers, and other leaders were willing to try and convict persons of being witches?

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4. Today, how do we go about providing an accused person with fair hearings and a fair trial -- especially in a situation of community fear?

IMMIGRATION TO COLONIAL AMERICA

OBJECTIVES:

Following this lesson, students should be able to:

1. Define the terms slave, free, and indentured workers.
2. Explain why American colonies sought labor, free or slave or indentured.
3. Compare and contrast indentured workers with modern examples (college atheletes)?

PROCEDURE:

Law in a society is built to serve the needs of that society as the persons in power preceive those needs. Since colonial America was long on resources and capital was available, labor was scarce. Laws favored the attraction of new labor to the colonies. Certainly, free labor was preferred, but due to scarcity, slave and indentured labor was permitted and fostered in many colonies.

Work with the students to develop definitions of each of these concepts --free labor, slave labor, and indentured labor. Call for examples to compare and contrast each type.

Focus upon indentured labor. Use the activity sheet (attached) for relevant questions. How was indentured labor like apprenticeship labor?

Then, draw comparisons with our own time and place--Florida. Do we have any situations similar to indentured labor today? If so, what kinds? and where?

Note: Students might note that Americans no longer perceive this land as labor short --hence, the many immigration laws restricting entry for permanent residence in these United States.

NAME_____ DATE_____

WORKERS IN THE COLONIES: FREE, SLAVE, AND "INDENTURED"

Part I:

Colonial America was a land of opportunity. Land and other natural resources were plentiful. The colonies needed workers to develop these resources. Colonies advertised to attract workers and wives to the colonies. England tried to end crowding in jails by sending prisoners to America. People who would not work were shipped to the colonies. Criminals could pay their passage to America rather than go to jail. Children and adults were kidnapped and shipped to America to work--Some authors say that thousands of workers came to America this way!

But there were many in Britain who wanted to come to America to work, but could not afford to pay their own way. These people often came as indentured servants. They came to America --a land which was long on land and short on men. A farmer or businessperson in America would pay the passage money and the worker was legally bound to work for that person (called a "master") for five to seven years. Then, the indenture was over, and the servant was a free person. Many teachers came to the colonies as Edinbugh (Scotland) educated indentured servants. The indenture was not one-sided. Both parties got what they wanted -- work and opportunity!

Part II:

We read a lot about slavery, but little about indentured servants in the American colonies. Slavery is no longer with us. But is the indentured servant?

1. Define slavery and indentured servant. How are these two concepts different?
2. How is an indentured servant like an apprentice?
3. Can you think of any things which we do today in Seminole County, Florida, which are like indentured service?

MARRIAGE AND COLONIAL LAW

OBJECTIVES:

Following this lesson, students should be able to:

1. Define marriage and divorce.
2. Give reasons for the State's interest in family formation and dissolutionment.

PROCEDURE:

Use the attached student activity sheet to provide supplementary information on colonial family law. Most textbooks will not include this information.

Use the entry questions on the sheet to focus thinking and class discussion. In modern America we think of marriage as a private matter between two people --and what they do is "their business." But, of course, that is not truly the case. We have all manner of laws governing marriage and divorce in modern America!

Look at the facts on colonial practice --laws affecting marriage and divorce. Compare and contrast them with our laws in Florida, as we understand them. Have a marriage counsellor or a lawyer come to class to chat about contemporary laws government family formation and dissolutionment.

NAME_____ DATE_____

MARRIAGE AND THE LAW: THEN AND NOW

Part I:

Assume that your older brother or sister have fallen in love with someone and want to get married! What do they have to do in order to get married?

What are the legal steps which must be taken so that the marriage will be legally recognized?

Why do we have laws governing marriage? Why would the government care about what two persons in love do?

Part II:

In colonial America, people saw marriage as helping the man and wife, their religion, and their government. Marriage was expected, and unmarried adults were thought strange. Women married long before age 20, often as young as age 12 or 13. As one North Carolinian wrote, "She that stays unmarried til Twenty, is reckoned a stale Maid." Unmarried males were taxed heavily.

Marriage was so important that in New England it was regulated by government. People were married before elected officials. In the South they were married in church, but the minister was acting as an agent of the government.

Four general requirements regulated marriage. 1) Notice had to be given to the community that a marriage was planned. 2) Evidence had to be presented that the parents agreed with the marriage. 3) The marriage ceremony had to take place before a lawful authority (government official or minister). 4) The marriage had to be registered in some public records.

Marriage licenses were expensive. Government used the licenses to get money to keep public records and to pay officials. Because of this cost, some people did not get officially married. They lived together and, after five to seven years, the government recognized these unions as marriages. These were "common law" marriages.

Divorce was not common. All churches were against it. Public opinion was opposed to divorce. Courts and colonial law-makers could not grant divorce. They could only permit separation. And they could permit men to advertise that they were no longer responsible for their wives' bills.

PEEN'S COLONY: RELIGIOUS FREEDOM & RELIGIOUS TOLERATION

OBJECTIVES:

Following this lesson, students should be able to:

1. Define and give examples of religious toleration and religious freedom.
2. Place Penn's view on a continuum between Conformity and Pluralism as to religious beliefs permitted in a society.

PROCEDURES:

Review the textbook material on William Penn's colony -- Pennsylvania. Then, turn to the attached activity sheet. Review the data provided. Then, use the questions to focus student discussion. What is the difference between conformity and diversity and pluralism. Why would some societies favor conformity? others diversity?

What did Penn favor? Is it accurate to say that Penn established religious freedom in Pennsylvania? (no) He established religious diversity --but people had to be "People of the Book" --the Bible. His was a conception of religious toleration. Teachers might assist students in contrasting these two terms --freedom and toleration.

Turn to modern America and today's Florida. We have the 1st Amendment freedom of religion. That permits pluralism not conformity or simple toleration of difference.

But the first amendment is a legal matter. There are still great social pressures to conform in many settings and students might chat about these pressures and settings!

NAME_____ DATE_____

RELIGIOUS TOLERATION AND RELIGIOUS FREEDOM

In 1681, William Penn received a charter from Charles II, King of England for a colony in the New World. This colony was to be Pennsylvania, "Penn's Forest."

In 1682, Penn wrote a charter for his colony in America. This was revised in 1701. In the 1701 document William Penn wrote out the privileges of those who settled in his colony. This new document kept the controversial part about the religious beliefs of those who settled in Pennsylvania. Penn wrote that all settlers did not have to have the same religion, as in many other colonies. The government did not tax citizens to support a particular religion, as in many other colonies. Penn wrote:

> "No people can be truly happy if the government tells them what to think or what to believe. People living in This Colony who profess a belief in One Almighty God and will live quietly under the Government shall not be bothered because of their religious practices. They will not be forced to pay taxes to maintain or attend any place of worship, contrary to their own Mind. They will not be asked to do anything contrary to their religious beliefs."

QUESTIONS FOR REFLECTION:

1. Some persons did not like Penn's colony because it did not have one religion for all settlers. They wanted conformity. What is conformity? Why would some leaders want settlers to conform to one religion?
2. Is it accurate to state that William Penn had established religious freedom in Pennsylvania? Why?
3. What might happen to someone in Penn's colony who had a religion (or beliefs) which had more than one god?
4. What is the difference between Penn's Charter on religion and our First Amendment freedom of religion?

William Penn.

NAME_____ DATE_____

USING THE LAW TO AID THE POOR

Part I:

American colonies may have been the land of opportunity, but not everyone had it made. There were many who were ill, blind, injuried, mentally incompetent, or old, and could not support themselves and their families. After 1662, English judges could send beggars, "rogues and vagabonds" to the American colonies. These persons, mostly men, did not like to work.

American colonial officials wanted to help the sick and old, but they did not want to help those who could work but chose not to work!

Colonial governments required local governments to aid the poor and to raise money by taxing property owners. Some governments paid certain citizens for caring for the poor. Another method was to give a fixed amount of money to the poor directly. By 1660 Boston used another method. It opened an almshouse --the poor lived at the "house" and were sent out to work each day to pay for their care.

Those who would not work were set to "workhouses," or jails where they were forced to work in order to eat.

Children who were without parential support were made apprentices. They were bound to skilled craftsmen (blacksmiths, shipbuilders, etc.) for a fixed number of years, to work and to learn a trade. Through their work, the children learned their keep and learned skills for adulthood.

Also, private and church agencies came into being to aid the poor. The Masons, Friendly Sons of St. Patrick, and the Sons of St. George aided the poor.

Part II:

Today, the poor are still with us. But we do have many ways to assist the poor.

1. What are some of the private and church agencies which assist the poor in Seminole County, Florida?
2. In what ways do we still use apprenticeship programs for youth in Florida?
3. In what ways does government in Seminole County, Florida aid the poor among us?
4. Where do these private, church, and government programs get their money to aid the poor?

LIBEL AND THE PRESS: JOHN PETER ZENGER'S CASE

OBJECTIVES:

Following this lesson, students should be able to:

1. Define libel and freedom of the press.
2. Contrast the values in Zenger's colonial trial with those in our Bill of Rights.

PROCEDURES:

Use the attached student activity sheet and the facts below to review the trial of John Peter Zenger--New York newspaper man in 1735. Use the questions on the sheet to guide the discussion:

Believing dangerous ideas was bad enough, colonial leaders felt. But spreading them was even worse. As a result, there was little freedom of speech and of the press in those days.

During the early 1700s, general weekly newspapers began to be printed in the English colonies. At first they carried mostly old news from Europe. Then they began to report on local business and government. Much of the news was dull and tame. But more and more, the papers began to criticize--or find fault with--harsh English rule in the colonies.

Newspaper owners had to be careful. They were not free to print stories that attacked the government. Newspapermen who did so were often thrown into jail. Their printing presses were closed down. It was against English law to publicly criticize the king or his government officials. They were supposed to be the source of all justice. They were thought to be above criticism. The following case is about a colonial editor who dared to make such criticism.

At Zenger's trial, he was defended by Andrew Hamilton of Philadelphia. Hamilton was the best lawyer in all the colonies. He admitted that Zenger had printed the articles. But he argued that Zenger was guilty only if the articles were false. Hamilton felt there should be more freedom of the press. He told the jury that in this country a man should be free to print the truth.

The judges disagreed. They told the jury its only duty was to decide whether Zenger had printed the articles. If so, he should be found guilty.

Have students contrast the values in the Zenger case with those in our Bill of Rights today. You might deal with the position of many that modern media have too much freedom today.....in Sanford and in the whole United States. How do students respond to that argument?

POSITIVE LAW AND THE POOR

OBJECTIVES:

Following this lesson, students should be able to:

1. Define positive law, as opposed to law which controls behavior and spells out consequences.
2. Compare and contrast colonial laws affecting the poor and laws in modern Florida dealing with poverty and the poor in our midst.

PROCEDURES:

The teacher should use the attached activity sheet to provide information on colonial laws affecting the poor, and revealing attitudes toward the poor. Discuss these laws and attitudes, comparing them with modern Floridians' attitudes and our laws.

Invite an HRS worker to class to discuss those modern laws affecting the poor in our midst. What laws and program do we have? What laws and programs do we need? Why are such laws and programs controversial in most cases?

Consider these laws a positive law --examples of how law can be used to affect positively the quality of life in a community.

NAME_____ DATE_____

THE TRIAL OF JOHN PETER ZENGER 1735

By 1700 the English colonies in America were governed by a representative of the King. This governor looked out for the King's interests and supervised the work of colonial legislatures.

In New York during 1735, the governor became annoyed by a newspaperperson. It seems that this newspaperperson, John Peter Zenger, was printing stories in his newspaper which were critical of the government. Zenger wrote what he thought. The governor had been changing judges he did not like, and he had been setting up new courts, without the people's approval. Zenger said the governor was becoming a dictator --a tyrant.

The governor had Zenger arrested and tried in court. The governor said that Zenger was stirring up trouble among the people of New York. Zenger said that he wrote those things, but should not be punished for speaking the truth. Zenger said that:

1. He should be tried by a jury of his neighbors, not by a judge; and
2. He has the right, with all free persons, to speak out about a government which is harming freedom.

The judge permitted a trial by jury. After nine months in jail awaiting trial, John Peter Zenger was tried and found innocent of the charges. He was freed.

1. Why would the governor want Zenger stopped and in jail?
2. Why would Zenger suffer so much to say what he wanted in his newspaper?
3. Why is a jury trial so important --a jury of one's neighbors?
4. Should people be able to say whatever they want to in a newspaper? Is this what John Peter Zenger wanted?

CRIME AND PUNISHMENT

OBJECTIVES:

Following this lesson, students should be able to:

1. Define consequences, crime, and punishment;
2. Give examples of capital punishment, corporal punishment, and rehabilitation.
3. List five alternatives open to a juvenile judge and an adult criminal judge in responding to a verdict of guilty for a person accused of a serious (felony) crime.

PROCEDURES:

The teacher should use the attached activity sheet for information on colonial punishments for guilty persons--youth and adults, men and women. Develop the definitions of crime, punishment, and consequences while talking about colonial punishments.

Deal with the difference between corporal and capital punishments. Contrast these colonial activities with modern Florida punishments and rehabilitation efforts. Note that we have mostly outlawed corporal punishment (except in schools) but still have capital punishment.

Invite a court worker or judge to class to discuss the various options open in juvenile and adult criminal court for sentencing. How do these options compare with the colonial options?

NAME_____ DATE_____

CRIME AND PUNISHMENT, THEN AND NOW

Part I:

Today, when someone breaks a classroom rule, what does the teacher do to that rule-breaker?

Today, when someone breaks a serious school rule, what may the principal or School Board do?

Today, when someone breaks a law in Seminole County, what can a law enforcement officer do?

What can a judge do?

Part II:

Well, we seem to have a lot of crime today. Back during colonial times, crime was rare. Land was easy to get. Jobs were plentiful. Wages were high, because the colonies were short on workers. Food was abundant. But crimes did occur. Murder, stealing, arson, and assault did happen in the colonies. When the crimes were committed and the criminals caught, they were punished!

For murder, treason, and rioting against the king the punishment was the taking of the criminal's life (captial punishment). This was usually done by hanging --done in public with the body on display for the rest of that day. (At times, burning at the stake was used in America).

Lesser crimes earned the criminal some form of corporal punishment. Mutilation of the body (cutting off a tongue, a nose, etc) were common. Public whippings and standing locked in the pillory (see below) were common. Some were ducked, tied onto a pole or chair, into a stream or pond -- in public view. All of these punishments were carried out in public --to embarass the criminal and to warn others!

Prisons were not popular in the colonies, because they were expensive to taxpayers. Citizens believed the punishments above were faster and less expensive. But, where prisons were used, they were back rooms in taverns, old buildings, and even abandoned mines. All criminals were thrown in together -- young and old, male and female, healthy and sick!

BREAKING THE LAW: THE BOSTON TEA PARTY

OBJECTIVES:

Following this lesson, students should be able to:

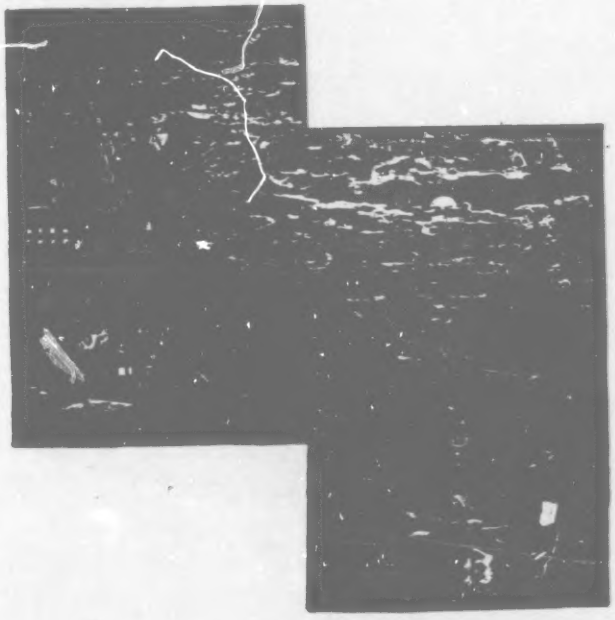
1. Define justified, justification, defiance.
2. Explain how the Boston Tea Party was unlawful behavior, but justified by many colonists.
3. Relate the defiance of the Boston Tea Party to events in the United States today.

PROCEDURES:

We often have a romantic view of past unlawful acts. Ma Barker, John Dilinger, Al Capone, and others are part of this lore. But no act better exemplifies this romanticism than the Boston Tea Party!

Use the attached student activity sheet to initiate a discussion of the Boston Tea Party and its consequences. Help students define the terms justified, justification, and defiance. Relate each term to the Boston Tea Party events.

Use the questions on the sheet to guide the discussion. But in conclusion focus upon acts today--less romantic--which are often those justified by those who do them. Urban terrorists, guides for illegal immigrants, and so forth.



NAME_____ DATE_____

THE BOSTON TEA PARTY

In 1773 the British Parliment passed the Tea Act. Everyone in the colonies had to buy all their tea from the British East India Company. This was one of a whole series of laws to raise taxes in the colonies to pay for the costs of operating the British empire.

The Tea Tax actually lowered the price of tea! But the law made many colonists angry. They said that it was a tax passed by Parliament without their consent. American tea merchants were put out of business, because the British East India Company could sell tea at a lower price than Americans could.

People in many colonies were opposed to the Tea Tax. In several colonies, citizens prevented ships' crews from unloading British East India Company tea. Many colonists refused to buy or to drink tea.

In Boston, people with strong feelings against the Tea Tax rebelled. On December 16, 1773, 150 Boston residents dressed up as Indians. They boarded British tea ships. They dumped 342 chests of tea into Boston Harbor. This act of defiance became known as "The Boston Tea Party."

Parliament passed laws to punish the colonists. The port of Boston was closed, until the tea was paid for. The Massachusetts legislature was to be appointed by the King, not elected by the people of Massachusetts. No public meeting could be held without the King's governor giving approval. All juries were appointed by the King's sheriff in Massachusetts, not elected by the people. In addition, the borders of Canada were extended in the West, so that lands claimed by Virginia, Massachusetts, and Connecticut were now part of Canada.

QUESTIONS FOR REFLECTION:

1. Why were many of the colonists upset about the Tea Act?
2. The action by 150 colonists at "The Boston Tea Party" were quite unlawful! Were their actions justified, in your opinion?
3. Some people feel that they ought to break the law if it is unfair, or if they can get away with such behavior. What do you think?
4. The British response to the Boston Tea Party was immediate and severe. Do you think that the British helped their cause by enacting such laws? Why or Why not?

THE AMERICAN REVOLUTION AND THE RIGHT TO REBEL?

OBJECTIVES:

Following this lesson, students should be able to:

1. Define rebel, revolution, and right
2. Explain how a document may be a piece of propaganda
3. Explain how rebellion is unlawful behavior, but may be justified to the satisfaction of some people

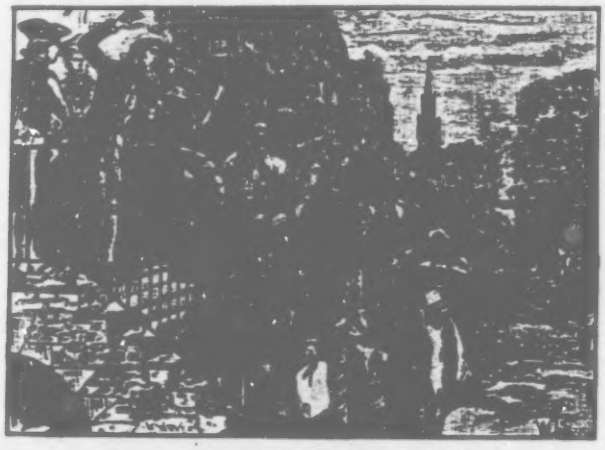
PROCEDURES:

Today, the American Revolution and the right to rebel against oppression and tyranny seem safe.... back there in time. We tend not to be so positive about persons' right to rebel today...in our own time.... or worse...in our own neighborhoods!

Use the attached student activity sheet, and have students analyze the comments by George III and by George Washington. Answer the questions on the sheet, defining right, rebel, and rebellion. Ask students to give examples of each term.

Then, focus upon the third question on the sheet. What does propaganda mean? Can it be deemed positive as well as negative? How did each author seek to influence the thoughts and deeds of others?

If you prefer, you might turn students' attention to the right to rebel ? What arguments were used for and against the American colonists' right to rebel? Then, think about those trying to justify rebellion today. How convincing are their appeals and arguments?



Excitement after the Stamp Act.

NAME_____ DATE _____

THE AMERICAN REVOLUTION: THE RIGHT TO REBEL?

By 1775 the events leading up to the American Revolution were happening in rapid order. In the Fall, 1775, George Washington wrote the following words to persons in Canada (also an English colony):

> The contest between the English colonies and Great Britain has now risen to such height, that arms alone must decide it. The colonies, knowing that their cause is right and their goals are pure, have appealed to God. God has smiled upon the colonies' plans. The British tyranny and armies are tarnished and disgraced.
>
> Come, my brothers, unite with us and let us run together to the same goal. We have taken up arms in defense of our liberty, our property, our wives, and our children --We are determined to preserve them, or die.

At the same time, George III of England is writing:

> Many of our subjects in our colonies and plantations in North America are misled by dangerous men and are forgetting the loyalty which they owe to the Crown which has protected them. After various disorderly acts, disturbing the peace and commerce, they have begun open rebellion, traitorously preparing a war against us....

1. According to George Washington, when do people have a right to rebel against authority?
2. According to George III, why should people retain their loyalty toward authority?
3. How is each statement a piece of propaganda, trying to influence the thoughts and actions of others.

SHAYS' REBELLION

OBJECTIVES:

Following this lesson, students should be able to:

1. Explain the cause of rebellion in confederation period
2. Evaluate alternative methods of political changes.
3. Compare events of Civil disobeidience in U.S. history.

QUESTIONS FOR REFLECTION:

1. What was the issue in Shays' Rebellion?
2. Why do you think Shays resorted to violence to achieve his goals.
3. What are advantages and disadvantages in using violence to bring about political or social changes?
4. What are some alternative methods of political social change and what are their advantages and disadvantages?
5. Compare the results of Civil disobedience in events like the Boston Tea Party, American Revolution, Shays' Rebellion.

NAME_____ DATE_____

SHAYS' REBELLION

In the fall of 1786, a group of Massachusetts farmers rebelled against their state governments. The rebellion was led by Daniel Shays, a Revolutionary war veteran.

Although the U.S. won the Revolution, independence had not brought prosperity. Farmers returned from the war to find taxes very high and the price of farm products low. The farmers had no money and could not afford to pay a recently proposed tax passed by Massachusetts lawmakers. The farmers creditors were able to obtain court orders and seize their farms.

To prevent this, Shays and other farmers marched against the state courthouse. They pointed a gun at the judge and forced him to leave. Shays captured the springfield Courthouse and burned houses and barns of public officials. He and his men attempted to capture a United State **arsenal**, but failed. Eventually Shays men were killed or captured. Shays escaped to Vermont but the Rebellion came to an end.

Shays Rebellion raised serious questions in the new confederation. Would the state government be strong enough to stop future rebellions. What would happen if the rebels took over the state government? Was there truly a need to strengthen the role of the national government?

ALIEN & SEDITION ACTS

OBJECTIVES:

Following this lesson, students should be able to:

1. Define alien, and sedition:
2. Explain how the Alien and Sedition Acts violated the Constitutional protections of freedom of speech:
3. Explain how, in times of fear or stress, some people respond by invoking power to suppress unpopular ideas and people.

PROCEDURES:

The First Amendment says "Congress shall make no law.. abridging the freedom of speech, or of the press..." Yet in 1798, Congress passed laws which in effect did just that. They were called the Alien and Sedition Acts.

In 1798 hostilities between the Federalist and Republican Parties were growing. The fact that a Federalist President, John Adams, and a Republican Vice-President, Thomas Jefferson, were elected in 1796 didn't help ease tensions. The Federalists wanted to strengthen their party and remain in power. They were criticized by Republicans and wanted to silence them. Further, the Republican party was growing because the majority of aliens who became citizens joined the Republican Party. During this period, the country narrowly avoided full-scale war with France, and anti-French feelings were very strong.

The Federalist majority in Congress passed a series of laws known as the Alien and Sedition Acts. These laws stated that

1. Aliens had to live in the United States for 14 (instead of 5) years before becoming citizens.
2. The President could deport or jail aliens whom he considered dangerous to the peace and safety of the country.
3. American citizens who wrote, printed, or said anything "false, scandalous, and malicious" against the government could be fined or jailed.

The Republicans protested against these laws as a misuse of federal authority. They said the sedition law violated the First Amendment of the Constitution.

Use the attached student activity sheet and its questions to guide student reflection upon the Alien and Sedition Acts. Stress the third question with its emphasis upon behavior which is still with us today --the desire, in times of stress and fear, to attempt to suppress unpopular ideas and people.

NAME_____ DATE_____

ALIEN & SEDITION ACTS

John Adams was the second president of the United States. During his term in office, the United States was trying to stay out of a war between England and France. Some citizens of our young nation wanted to help the French win the war, others wanted to help England. Many of our ships were bothered at sea by British or by French warships.

President Adams and most members of Congress favored the British. President Adams refused to let a group of French scientist come into our country. He was angry that people favoring France, wrote articles in newspapers stirring up "trouble."

In 1798 Congress passed laws limiting what people could say and write in newspapers. It was against this law to write or to say anything critical about the President or members of Congress. People who broke this law could be fined up to $2,000 and jailed for up to two years.

Not long after the law was passed, a congressman from Vermont said the President was foolish and selfish. He was fined $1,000 and put in jail for 4 months. When a citizen in Vermont complained about this action, he was fined $200 and jailed for 2 months!

A newspaper writer was jailed in Philadelphia for 6 months and fined $400 for complaining about President Adams. Two other men were fined and jailed for saying that they wanted Thomas Jefferson for President, and not John Adams!

QUESTIONS FOR REFLECTION:

1. Why was President Adams so concerned about criticism? Why did Congress pass such laws?
2. Do you think that citizens ought to have the right to criticize the government? Why,why not?
3. When times are difficult and dangers are present, should the government be allowed to stop newspapers and speakers from saying critical things about the government and its leaders?

John Adams.

THE POWER OF THE SUPREME COURT

OBJECTIVES:

Following this lesson, students should be able to:

Explain the Supreme Court's ability to check the Legislative Branch by use of judicial review.

PROCEDURES:

We know that the Executive Branch (President) can veto acts of the Legislative Branch (congress) and this veto can be overridden by a 2/3 vote, but how does the Judicial Branch (Supreme Court) exercise its checks and balances? Up until the early 1800's the Supreme Court was not really considered, nor did it try to behave as, an equal partner in the government. The election of Thomas Jefferson as President and the appointment of Jonn Marshall as Chief Justice of the Supreme Court would change all of that.

When John Adams was about to leave the office of President in 1801, he stayed up until late at night signing documents to appoint members of his party (the Federalists) to various jobs in the Judicial Branch before the opposition party (Republicans) under Jefferson came to power. One of his appointees was a man named William Marbury who had been appointed as a justice of the peace in the District of Columbia.
When Jefferson took office his Secretary of State, James Madison, refused to deliver many of these commission papers, including Mr. Marbury's. Marbury then sued in federal court for the right to assume his new job and by 1803 the case had arrived at the Supreme Court as Marbury V Madison.

One of President Adam's Federalist appointees was the new Chief Justice of the Supreme Court, John Marshall. Marshall was in a bind. If he ruled in favor of Marbury and his own party, Jefferson would probably ignore the court decision and further weaken the power and prestige of the Supreme Court. If, on the other hand, he ruled against Marbury he would be selling out and weakening his own party.

The decision that John Marshall finally wrote in Marbury V Madison in 1803 established the Court as an equal partner with the other two branches. Marshall said that Mr. Marbury did have a right to his commission as justice of the peace in the District of Columbia according to the Federal Judiciary Act of 1789. However, Marshall went on to say that the Judiciary Act was unconstitutional because it gave the president a power rightfully reserved for a state and local governments. Therefore, although Mr. Marbury deserved the post to which he had been appointed, the Supreme Court had no jurisdiction in the case and so could not order Mr. Madison or Mr.Jefferson to comply.

The decision was a brilliant stroke for John Marshall because he had not issued any order which Jefferson could ignore and at the same time he had established the doctrine known as judicial review; that is, the Supreme Court will rule on the constitutionality of laws of Congress.

QUESTIONS FOR REFLECTION:

1. What power does the Constitution grant to the Supreme Court?
2. How are members of the Court selected? Is this better than being elected? Why or why not?
3. How has the Supreme Court exercised judicial review in the 20th century?

RELIGIOUS FREEDOM AND PRACTICES

OBJECTIVES:

Following this lesson, students should be able to:

Determine which rights are more important:
The Right of our government to make laws which apply to everyone, as opposed to the right of an individual to worship freely in a free society.

PROCEDURE:

Distribute hand-our sheet on the history of the Mormon Church. Read aloud and discuss with students the significance of worshipping freely in our country. The Following questions should be answered and openly discussed as a means of creating interest.

NAME_____ DATE_____

A NEW CHURCH

In New York during the 1820s Joseph Smith announced that he had found plates engraved with sacred writings. Based on these writings, Joseph Smith founded a new religion: The Church of Jesus Christ of Latter day Saints. Its members are called Mormons.

Part of the new teaching allowed a Mormon man to have more than one wife. People who were not Mormon began to turn against Smith. Soon the Mormons were forced to flee because of these beliefs.

Smith led his people to Independence, Missouri. The Mormons decided to keep the teachings of the Church secret, but other trouble arose The Mormons were opposed to slavery and this belief was very unpopular with the slaveowners living in Missouri.

The Mormons decided to move again to Nauvo, Illinois. Smith was killed by an angry mob and Brigham Young became the leader.

Before more trouble arose Young led his people westward again. He was looking for a place where his people could worship in freedom. This place turned out to be Utah, because it was not settled. Early settlers thought the land too arid for farming. But the Mormons developed the land and Utah prospered. They found a permanent place in which to practice their religious beliefs.

In 1862, Congress passed an Anti-Bigamy Act which made it a crime called bigamy for a person to have more than one husband or wife alive at the same time. Some Mormons, who were very devout and religious, wanted to continue to follow all the teachings of the Church. One such person was a man called Brigham Reynolds. He lived in Utah and had two wives. Reynolds decided to fight for his principles. He takes his beliefs all the way to the Supreme Court. However, the U.S. Supreme Court ruled against Reynolds (1878) stating that Congress had the power to regulate the form of marriage in the U.S.

QUESTIONS FOR REFLECTION:

1. Are there any differences between the persecution of early Puritans, Pilgrims and the Mormons? Name some people who were persecuted for their beliefs. Why?
2. Should people be allowed to worship freely according to their principles? Why or why not.
3. Should Brigham Reynolds be forced to give up one of his two wives? Why or why not?
4. Does our government have the power to regulate how many marriages a man or woman may have? Why or why not?
5. Which right is more important. Brigham's Reynold's right to worship freely the teachings of his Church or the right of our government to determine the common good.

LEGAL COMPROMISES CONCERNING SLAVERY IN AMERICA

OBJECTIVES:

Following this lesson, students should be able to:

Explain that laws dealing with controversial issues must often be made as a series of compromises to please various special interests in the nation.

PROCEDURE:

In the early 1800s the most controversial issue in the United States was slavery. The northern states gradually did away with slaves and became an industrial society while the southern states increased their use of slaves and remained an agricultural society. Each of these sections desired to maintain a balance of power with the other section in the U.S. Congress.

In 1820 there were eleven slave states and eleven non-slave, or free states. Missouri, a slave holding area, desired to be admitted to the Union, which would have given the slave states more power than the free states (in the view of the North). After much Congressional debating, a compromise was readied. In a compromise the opposing sides each give a little so that an agreement can be reached which is acceptable to both sides. The provisions of the Missouri Compromise allowed Missouri to be admitted as a slave state, Maine to be admitted as a free state, and a line drawn along the 36° 30' line of latitude with future states south of that line allowed to be admitted as a slave state and future states north of that line to be free states.

The issue arose once again in 1850 when land taken from Mexico in the Mexican War was in dispute over which area would have slavery and which area would be free. Under the provisions of the Compromise of 1850, California was admitted as a free state, New Mexico and Utah could be admitted as either slave or free, Texas was reduced in size, slave trade in the District of Columbia was abolished, and a strict fugitive slave law was passed. A fugitive slave law required that states return runaway slaves to their masters.

QUESTIONS FOR REFLECTION:

1. Why did the members of Congress compromise on the issue of slavery?
2. What arguments might be used against compromising by Southerners? by Northerners?
3. Look up the word "abolitionist" and tell how an abolitionist might feel about the Fugitive Slave Law. Would he be likely to obey such a law? Why or why not?
4. What controversial issues exist today which may require legal compromise?

SUGGESTED ACTIVITY:

1. Designate one group of students to research and suggest anti-nuclear legislation and one group to be prepared to defend nuclear power and weapons.
2. Have the two groups present their views with the aim of drafting some sort of legislation concerning nuclear regulations.
3. Some sort of compromising should be necessary in order to accomplish the task in 2 above.

WAGON TRAIN LAW AND ORDER

OBJECTIVES:

Following this lesson, students should be able to:

1. Define order, law, and leader
2. Generalize about the need for order in a group setting (e.g., the greater the stress and danger, the greater the need for unity and common purpose among a group of people).

PROCEDURE:

When studying the Westward Movement, teachers might use the attached student activity sheet for student reflection upon the need for law and order in various social situations. Use the situation on the sheet to initiate the class activity. Use the question on the sheet to guide student discussion.

When the students' wagon train has selected a leader and has established the authority, ask the following questions:

1. Who will help him enforce the rules?
   a. How much authority will he have?
   b. Can he be replaced?
   c. How?
2. Would the rules change if you were in Indian territory?
3. Is there going to be provisions for a court system among the members of the wagon train or will it be a dictatorship?
4. If there is a court system on the wagon train how & who will be chosen to serve?
   a. Will the punishment be decided by the jurors or by the leader.

Close the lesson by asking students to generalize about the need for law and order in a society --and when law and order might well demand too much conformity/control and thus, too little freedom and creativity. See the above objective for an example of a generalization.

If time permits, get students to suggest social situations of their experience involving law and order -- schools, community events, etc.

NAME_____ DATE_____

WAGON TRAIN LAW AND ORDER

Imagine that you and your family are about to sign on to a wagon train going westward from St. Louis. The year is 1858. There will be 25 wagons on the train together.

1. What are your needs for order on this wagon train, as you face dangers and troubles on the long trip?
2. Who will be your leader(s) and how will you select them?
3. What authority are you willing to give to your leader(s)?
4. What rules will you or the leaders establish?

MARTIAL LAW IN THE SOUTH

OBJECTIVES:

Following this lesson, students should be able to:

Explain the use of federal military power to replace the authority of a state.

PROCEDURE:

Between the years of 1861 and 1865, eleven southern states declared themselves to be withdrawn from the federal union of the United States. They formed their own government, elected their own leaders, and wrote their own constitution, all in opposition to the U.S. Constitution and President Abraham Lincoln.

Was it legal for any state to repeal its ratification of the Constitution and declare itself seceded from the Union? The states of Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, and Texas said yes; the legally constituted government of the U.S. said no. As a result of the disagreement came four years of bloody warfare.

At the end of the American Civil War, the South was defeated and destroyed and the government was faced with the problem of how to rebuild the nation. With the death of Abraham Lincoln the government fell into the hands of the Radical Republicans who wanted to use stern measures against the South.

From the late 1860s to the late 1870s the Reconstruction Era placed the states of the old Confederacy under Federal control. There were military governors to enforce laws, federal troops to police the states, and federal supervision of all aspects of politics and society in these states. In other words, state and local authority ceased to exist for a time.

There has been considerable debate as to the need for and the propriety of the measures used by the U.S. government during the Reconstruction Era. The facts are that Southern cities and the Southern economy were ruins, there was a leadership vacuum since many pre-war leaders were imprisoned or forbidden to hold office, and there were millions of recently freed slaves who were easily taken advantage of due to lack of experience outside of slavery and illiteracy. The argument also exists that had Lincoln not been assassinated the Radical Republicans may not have been able to push through a program so harsh as Reconstruction, viewed in the South as a means of punishment.

QUESTIONS FOR REFLECTION:

1. What does the 14th Amendment to the Constitution say?
2. How would the Southern states' failure to ratify this amendment affect the Radical Republicans' view of those states?
3. Under what circumstances may the U.S. government take control over authority in a state?
4. Has the U.S. government exercised this authority within the 20th century in certain states? If so, when and how?

BLACK CODES

OBJECTIVES:

Following this lesson, students should be able to:

1. Explain how social problems faced by southern legislatures following the American Civil War.
2. Explain how law was used or misused to control social behavior
3. Demonstrate how government discriminates against certain groups for the public good.
4. Demonstrate how society discriminates against certain groups.

PROCEDURES:

Following work in Southern Reconstruction have students read the information and answer the questions. The questions should initiate class discussion. Following discussion:

1. Have student make a list of groups in society that are discriminated against by law.
   Example:
   a. Parents make rules for kids that they themselves do not follow.
   b. Teachers make rules that they do not follow
   c. Age requirements - marriage, drivers, voting, drinking, etc....
   d. No drafting of women
   e. Requirements for public office-citizenship, residence, age.

2. Have student make a list of how society discriminates

   Example:
   a. Elective officials - WASP
   b. employment qualifications
   c. black - white neighborhoods.

NAME_____ DATE_____

BLACK CODES

Following the election of U.S. Grant, in 1868, many white southerners became more and more opposed to the Reconstruction plans of Congress. White southerners set out to win back what they saw as their "rightful place" in state governments. Secret groups or societies were formed by white southerners all over the south to keep blacks from voting. The Ku Klux Klan was the most famous of these secret groups who used violence and fear to keep the southern blacks in "their place."

Once the white southerners started to regain control of the state legislatures laws called "Black Codes" were passed. These laws varied from state to state, but in general put restrictions on freed blacks that did not apply to whites.

Some of these codes prevented freedmen from voting, holding public office or even moving freely from one place to another. In some states blacks could not be on the streets after dusk or were forbidden to own land. These southern laws were an attempt to legally continue slavery in the South.

QUESTIONS FOR REFLECTION:

1. How were white southerners able to regain control of legislatures?
2. Even though most of the activities of the KKK were illegal they met very little resistance from local law enforcement. Why do you think this was true?
3. What was the purpose of Black Codes?
4. Why do you think that freedmen did not openly oppose the "Black Codes?"
5. Were the Black Codes Constitutional? Why do you think the Supreme Court did not act on these Blace Codes?

LAW AND CHANGING VALUES

OBJECTIVES:

Following this lesson, students should be able to:

1. Show how segregation became firmly rooted in Southern society after Reconstruction
2. Show how the Supreme Court reflects the changing values of society.

PROCEDURES:

Read aloud cases of Plessy Vs. Ferguson and Brown Vs. Topeka Board of Education. Pass out questions and have students write out their responses. Open discussion using students responses to questions.

NAME_____ DATE_____

CASE OF PLESSY VS. FERGUSON (1896)

In the 1890s Louisiana had a law that said that "all railroad companies carrying passengers in their coaches in this state, shall provide equal but separate accomodations for the white and colored races." Homer Plessy, a Negro, bought a ticket on a Louisiana train & took a seat in a coach reserved for whites. He was asked to move but he refused and was subsequently arrested. Plessy decided to take the state of Louisiana to court for violating his civil rights. This case, known as Plessy Vs. Ferguson, ended up in the Supreme Court. The Court ruled in 1896 that state **segregation** laws did not violate the 14th Amendment. They approved recial segregation in all sorts of public & private facilities as long as the separated facilities were equal. This decision remained the law of the land for nearly sixty years.

In 1954 the Supreme Court **reversed** its decision in the case of Brown Vs. Board of Education of Topeka.

CASE OF BROWN VS. BOARD OF EDUCATION
IN TOPEKA KANSAS (1954)

The Reverend Oliver Brown asked to have the Board of Education permit his eight year old daughter to attend an all-white elementary school four blocks from her home. She had been assigned to an all-black school twenty blocks away. The Board of Education refused his request. Brown decided to test the law and fight for his Constitutional rights. The United States Supreme Court in 1954 heard the case of Brown Vs. Board of Education of Topeka. In its decision, the Supreme Court ruled that state and local laws requiring black and white students to attend separate tax-supported public schools violated the 14th Amendment. Such laws requiring segregation were therefore unconstitutuinal.

QUESTIONS FOR REFLECTION:

1. Why did segregation exist in the South?
2. Why did the Supreme Court reverse itself?
3. What did you read that indicates different attitudes in our society?
4. Do people have the right to challenge laws? Why or why not?
5. Think of current decisions of the Supreme Court that reflect changing values in our society.

CIVIL RIGHTS

OBJECTIVE:

Following this lesson, students should be able to:

Tell how the Civil Rights Acts or our National Government guarantee the rights of all the people in the United States.

PROCEDURE: PART I

Ask the students, "What are rights?" Write the definition on the board, example,
A right is something we are allowed to do as long as we do not hurt others.
Ask what are some of the rights we have in the classroom? List or discuss these rights.

PART II:

Pass out student handout. Ask student, "What are Civil Rights?" Put definition on the board. Civil Rights are everyone's basic right not to be discriminated against because of race, religion, or national origin.
Additional vocabulary words

1. Discriminate
2. minority
3. lobby
4. Civil Rights Act

Additional Activities

1. Discuss how a law is passed through Congress.
2. Compare the rights of U.S. citizens to other forms of government
3. Questions for student's handout.
   a. When was the Civil Rights Act passed?
   b. How old is this Act?
   c. What did it take to get the Civil Rights Act passed?
   d. What does it mean to lobby?
   e. Who does the Civil Rights Act help?
   f. In what areas does it help?

NAME_____ DATE_____

CIVIL RIGHTS

The Civil Rights Act of 1964 **is 20 years old.** For the millions of Americans who had marched, rallied, and lobbied to end racial discrimination, enactment of this law stood as the crowning achievement of the Civil Rights Act outlaws discrimination on the basis of race color, or national origin in public facilities, employment, and federally assisted activities, as well as discrimination on the basis of sex or religion in employment.

The chart below lists the different rights covered by the law. Tell how each would change the lives of minority groups.

RIGHT	EFFECT	EXCEPTIONS
Everyone has an equal right to vote		
Everyone has an equal right to work and to hold whatever job they are qualified for		
All people have the right to use any public places.		
All children have an equal right to a good education		

JUVENILE LAW

During the twentieth century Juvenile courts have been established all over the U.S. The courts were created to act as a guardian for juveniles arrested for criminal violations. The juvenile courts vary from state to state but usually are less formal than adult trials. It does not require a public or jury trial to protect the reputation of the juvenile.
Controversy has **arisen** over whether or not juveniles have rights guarenteed by the Constitution of the U.S. Read the following Supreme Court Cases and answer the questions

OBJECTIVES:

Following this lesson, students should be able to:

1. Relate how juvenile rights have changed in U.S.
2. Evaluate and make moral judgements on the rights of juveniles.
3. Evaluate the Gerald Gault Supreme Court Case on the basis of what rights a juvenile should not have

NAME_____ DATE_____

In Re Gault

In Gila County, Arizona, police received a complaint of an obscene telephone call. The police arrested two boys in relation to the complaint, one of them Gerald Gault who was fifteen years old. Gerald was taken to the juvenile detention center.
Gerald's parents were at work during the arrest and could not be contacted. The parents learned that their son had been taken to the juvenile detention center and would have a hearing the next day.
At the hearing, Gerald admitted he had dialed the telephone and handed the receiver to his friend. The complainant was not present. No one kept records of the proceedings. One week later another hearing was held in which Gerald again denied making the dirty remarks. The complainant was not at this hearing. Gerald was not told of any rights. His parents were not informed of the exact charges against Gerald. The judge committed Gerald to a reformatory until the age of 21. The maximum penalty in Arizona for this offence for an adult would have been $50 fine and imprisonment for not more than two months.

While in the reformatory Gerald's parents filed a petition for his release. This petition eventually reached the Supreme court where Gault's lawyer argued that the Juvenile code of Arizona violated Gerald's constitutional rights under the 14th Amendment. The lawyer argued that Gerald should have been told the charges against him, that he had a right to a lawyer and that he could remain silent. He should have been allowed to confront the witnesses against him and a record should have been kept of the hearing.
The state argued that these rights were guaranteed to adults but had no relevence in a Juvenile case. This would destroy the whole concept of the informality of the procedures.

QUESTIONS FOR REFLECTION:

1. How would you decide this case? Should juveniles be given the same rights as adults?
2. What rights do you think a juvenile should not be given that an adult is given?
3. What is the purpose of a juvenile hearing instead of a jury trial?
4. What is the prupose of juvenile courts? Follow up:
   a. The Gault case was a landmark case in juvenile law which gave juveniles the same rights of due process as an adult with the exception of a jury trial.

Invite a H.R.S. field worker to speak to your class on the role of HRS in the juvenile court procedure.